

## RULE ANALYSIS

**Introduction:** THE AMENDMENTS ARE SUBMITTED TO THE BOARD FOR CONSIDERATION AS ADOPTED RULES

**Short Title:** Reinstatement

**Rule Numbers:** §281.66

**Statutory Authority:** Texas Pharmacy Act, Chapter 551-566 and 568-569, Occupations Code:

- (1) Section 551.002 specifies that the purpose of the Act is to protect the public through the effective control and regulation of the practice of pharmacy; and
- (2) Section 554.051 gives the Board the authority to adopt rules for the proper administration and enforcement of the Act.

**Purpose:** The amendments, if adopted, differentiate the reinstatement requirements for individuals with criminal offenses and individuals without criminal offenses.

**Background:** Board staff presents the amendments to clarify the requirements for reinstatement.

**The Board reviewed and voted to propose the amendments during the May 7, 2013, meeting. The proposed amendments were published in the June 28, 2013, issue of the *Texas Register* at 38 TexReg 4136.**

1 **PART 15. TEXAS STATE BOARD OF PHARMACY**

2 **CHAPTER 281. ADMINISTRATIVE PRACTICE AND PROCEDURES**

3 **SUBCHAPTER C. DISCIPLINARY GUIDELINES**

4 **§281.66**

5 The Texas State Board of Pharmacy proposes amendments to §281.66, concerning Application  
6 for Reissuance or Removal of Restrictions of a License or Registration. The amendments, if  
7 adopted, clarify the reinstatement requirements for individuals with criminal offenses and  
8 individuals without criminal offenses.

9 Gay Dodson, R.Ph., Executive Director/Secretary, has determined that, for the first five-year  
10 period the rule is in effect, there will be no fiscal implications for state or local government as a  
11 result of enforcing or administering the rule.

12 Ms. Dodson has determined that, for each year of the first five-year period the rule will be in  
13 effect, the public benefit anticipated as a result of enforcing the rule will be to clarify the  
14 requirements for reinstatement. There is no fiscal impact for individuals, small or large  
15 businesses, or to other entities which are required to comply with this section.

16 Comments on the proposed amendments may be submitted to Allison Benz, R.Ph., M.S.,  
17 Director of Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite  
18 3-600, Austin, Texas 78701, FAX (512) 305-8008. Comments must be received by 5:00 p.m.,  
19 July 31, 2013.

20 The amendments are proposed under §551.002 and §554.051 of the Texas Pharmacy Act  
21 (Chapters 551 - 566 and 568 - 569, Texas Occupations Code). The Board interprets §551.002 as  
22 authorizing the agency to protect the public through the effective control and regulation of the  
23 practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules  
24 for the proper administration and enforcement of the Act.

25 The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 566 and 568 -  
26 569, Texas Occupations Code.

27 **§281.66. Application for Reissuance or Removal of Restrictions of a License or Registration.**

28 (a) (No change.)

29 (b) In reinstatement cases not involving criminal offenses, the [The] board may consider the  
30 following items in determining the reinstatement of an applicant's previously revoked or  
31 canceled license or registration:

32 (1) - (14) (No change.)

33 (c) If reinstatement cases involves criminal offenses, the sanctions specified in §281.64 of this  
34 chapter (relating to Sanctions for Criminal Offenses) apply.

35 This agency hereby certifies that the proposal has been reviewed by legal counsel and found to  
36 be within the agency's legal authority to adopt.

37 Filed with the Office of the Secretary of State on June 17, 2013.

38 TRD-201302507

39 Gay Dodson, R.Ph.

40 Executive Director/Secretary

41 Texas State Board of Pharmacy

42 Earliest possible date of adoption: July 28, 2013

43 For further information, please call: (512) 305-8028