

## RULE ANALYSIS

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

**Short Title:** Fees

**Rule Numbers:** §§291.6, 295.5

**Statutory Authority:** Texas Pharmacy Act, Chapter 551-569, 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, will increase the fee to obtain an amended pharmacy license from \$20 to \$100; add a fee to fund the Prescription Drug Monitoring Program as passed by Senate Bill 195 of the 84th Texas Legislature.

**The Board reviewed and voted to propose the amendments during the May 5, 2015, meeting. The proposed amendments were published in the June 26, 2015, issue of the Texas Register at 40 TexReg 4173.**

1 **CHAPTER 291. PHARMACIES**

2 **SUBCHAPTER A. ALL CLASSES OF PHARMACIES**

3 **22 TAC §291.6**

4 The Texas State Board of Pharmacy proposes amendments to §291.6, concerning Pharmacy  
5 License Fees. The amendments, if adopted, add a fee to fund the Prescription Drug Monitoring  
6 Program as passed by Senate Bill 195 of the 84th Texas Legislature and increase the fee to  
7 obtain an amended pharmacy license from \$20 to \$100.

8 Gay Dodson, R.Ph., Executive Director/Secretary, has determined that, for the first five-year  
9 period the rule is in effect, there will be fiscal implications for state government as a result of  
10 enforcing or administering the amended rule as follows:

11 Revenue increase

12 FY2016: \$99,776

13 FY2017: \$108,400

14 FY2018: \$108,400

15 FY2019: \$108,400

16 FY2020: \$108,400

17 There are no anticipated fiscal implications for local government.

18 Ms. Dodson has determined that, for each year of the first five year period the amendments will  
19 be in effect, the public benefit anticipated as a result of enforcing the rule will be assuring that  
20 the Texas State Board of Pharmacy is adequately funded to carry out its mission. The effect on  
21 large, small or micro-businesses (pharmacies) will be the same as the economic cost to an  
22 individual, if the pharmacy chooses to pay the fee for the individual.

23 Economic cost to persons who are required to comply with the amended rule will be an increase  
24 of \$21 for an initial license and renewal of a license; and an increase of \$80 for an amended  
25 license.

26 Comments on the amendments may be submitted to Allison Benz, R.Ph., M.S., Director of  
27 Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite 3-600,  
28 Austin, Texas, 78701, FAX (512) 305-8008. Comments must be received by 5:00 p.m., August  
29 3, 2015.

30 The amendments are proposed under §551.002 and §554.051 of the Texas Pharmacy Act  
31 (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the

32 agency to protect the public through the effective control and regulation of the practice of  
33 pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the  
34 proper administration and enforcement of the Act.

35 The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 569, Texas  
36 Occupations Code.

37 **§291.6. Pharmacy License Fees.**

38 (a) Initial License Fee.

39 (1) Prior to October 1, 2015, the fee for an initial license shall be \$500 for the initial registration  
40 period and for processing the application and issuance of the pharmacy license as authorized by  
41 the Act §554.006. Effective October 1, 2015, the fee for an initial license shall be \$401 for the  
42 initial registration period and for processing the application and issuance of the pharmacy license  
43 as authorized by the Act §554.006.

44 (2) In addition, the following fees shall be collected:

45 (A) \$15 surcharge to fund a program to aid impaired pharmacists and pharmacy students as  
46 authorized by the Act §564.051;

47 (B) prior to October 1, 2015, \$15 surcharge to fund TexasOnline as authorized by Chapter 2054,  
48 Subchapter I, Government Code; and effective October 1, 2015, \$12 surcharge to fund  
49 TexasOnline as authorized by Chapter 2054, Subchapter I, Government Code; ~~and~~

50 (C) \$5 surcharge to fund the Office of Patient Protection as authorized by Chapter 101,  
51 Subchapter G, Occupations Code; and

52 (D) \$21 surcharge to fund the Prescription Drug Monitoring Program as authorized by §554.006,  
53 Occupations Code, effective October 1, 2015.

54 (b) Biennial License Renewal. The Texas State Board of Pharmacy shall require biennial renewal  
55 of all pharmacy licenses provided under the Act §561.002.

56 (c) Renewal Fee.

57 (1) Prior to October 1, 2015, the fee for biennial renewal of a pharmacy license shall be \$500 for  
58 processing the application and issuance of the pharmacy license as authorized by the Act  
59 §554.006. Effective October 1, 2015, the fee for biennial renewal of a pharmacy license shall be  
60 \$401 for processing the application and issuance of the pharmacy license as authorized by the  
61 Act §554.006.

62 (2) In addition, the following fees shall be collected:

- 63 (A) \$15 surcharge to fund a program to aid impaired pharmacists and pharmacy students as  
64 authorized by the Act §564.051;
- 65 (B) prior to October 1, 2015, \$15 surcharge to fund TexasOnline as authorized by Chapter 2054,  
66 Subchapter I, Government Code; and effective October 1, 2015, \$12 surcharge to fund  
67 TexasOnline as authorized by Chapter 2054, Subchapter I, Government Code; [~~and~~]
- 68 (C) \$2 surcharge to fund the Office of Patient Protection as authorized by Chapter 101,  
69 Subchapter G, Occupations Code; and
- 70 (D) \$21 surcharge to fund the Prescription Drug Monitoring Program as authorized by §554.006,  
71 Occupations Code, effective October 1, 2015.
- 72 (d) Duplicate or Amended Certificates. The fee for issuance of a duplicate [~~an amended~~]  
73 pharmacy license renewal certificate shall be \$20. The fee for issuance of an amended pharmacy  
74 license renewal certificate shall be \$100.

1 **CHAPTER 295. PHARMACISTS**

2 **22 TAC §295.5**

3 The Texas State Board of Pharmacy proposes amendments to §295.5, concerning Pharmacist  
4 License or Renewal Fees. The amendments, if adopted, add a fee to fund the Prescription Drug  
5 Monitoring Program as passed by Senate Bill 195 of the 84th Texas Legislature.

6 Gay Dodson, R.Ph., Executive Director/Secretary, has determined that, for the first five-year  
7 period the rule is in effect, there will be fiscal implications for state government as a result of  
8 enforcing or administering the amended rule as follows:

9 Revenue increase

10 FY2016: \$320,082

11 FY2017: \$380,100

12 FY2018: \$380,100

13 FY2019: \$380,100

14 FY2020: \$380,100

15 There are no anticipated fiscal implications for local government.

16 Ms. Dodson has determined that, for each year of the first five year period the amendments will  
17 be in effect, the public benefit anticipated as a result of enforcing the rule will be assuring that  
18 the Texas State Board of Pharmacy is adequately funded to carry out its mission. The effect on  
19 large, small or micro-businesses (pharmacies) will be the same as the economic cost to an  
20 individual, if the pharmacy chooses to pay the fee for the individual.

21 Economic cost to persons who are required to comply with the amended rule will be an increase  
22 of \$21 for an initial license and renewal of a license.

23 Comments on the amendments may be submitted to Allison Benz, R.Ph., M.S., Director of  
24 Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite 3-600,  
25 Austin, Texas 78701, FAX (512) 305-8008. Comments must be received by 5:00 p.m., August 3,  
26 2015.

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

32 The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 566, 568, and  
33 569, Texas Occupations Code.

34 **§295.5. Pharmacist License or Renewal Fees.**

35 (a) Biennial Registration. The Texas State Board of Pharmacy shall require biennial renewal of  
36 all pharmacist licenses provided under the Pharmacy Act, §559.002.

37 (b) Initial License Fee.

38 (1) Prior to October 1, 2015, the fee for the initial license shall be \$281 for a two year  
39 registration and for processing the application and issuance of the pharmacist license as  
40 authorized by the Act, §554.006. Effective October 1, 2015, the fee for an initial license shall be  
41 \$235 for a two year registration and for processing the application and issuance of the pharmacist  
42 license as authorized by the Act, §554.006.

43 (2) In addition, the following fees shall be collected:

44 (A) \$13 surcharge to fund a program to aid impaired pharmacists and pharmacy students as  
45 authorized by the Act, §564.051;

46 (B) \$5 surcharge to fund TexasOnline as authorized by Chapter 2054, Subchapter I, Government  
47 Code; ~~and~~

48 (C) \$5 surcharge to fund the Office of Patient Protection as authorized by Chapter 101,  
49 Subchapter G, and Occupations Code; and[-]

50 (D) \$21 surcharge to fund the Prescription Monitoring Program as authorized by §554.006,  
51 Occupations Code, effective October 1, 2015.

52 (3) New pharmacist licenses shall be assigned an expiration date and initial fee shall be prorated  
53 based on the assigned expiration date.

54 (c) Renewal Fee.

55 (1) Prior to October 1, 2015, the fee for biennial renewal of a pharmacist license shall be \$281  
56 for processing the application and issuance of the pharmacist license as authorized by the Act,  
57 §554.006. Effective October 1, 2015, the fee for biennial renewal of a pharmacist license shall be  
58 \$235 for processing the application and issuance of the pharmacist license as authorized by the  
59 Act, §554.006.

60 (2) In addition, the following fees shall be collected:

61 (A) \$13 surcharge to fund a program to aid impaired pharmacists and pharmacy students as  
62 authorized by the Act, §564.051;

63 (B) \$5 surcharge to fund TexasOnline as authorized by Chapter 2054, Subchapter I, Government  
64 Code; ~~and~~

65 (C) \$2 surcharge to fund the Office of Patient Protection as authorized by Chapter 101,  
66 Subchapter G, Occupations Code; ~~and~~[-]

67 (D) \$21 surcharge to fund the Prescription Drug Monitoring Program as authorized by §554.006,  
68 Occupations Code, effective October 1, 2015.

69 (d) Exemption from fee. The license of a pharmacist who has been licensed by the Texas State  
70 Board of Pharmacy for at least 50 years or who is at least 72 years old shall be renewed without  
71 payment of a fee provided such pharmacist is not actively practicing pharmacy. The renewal  
72 certificate of such pharmacist issued by the board shall reflect an inactive status. A person whose  
73 license is renewed pursuant to this subsection may not engage in the active practice of pharmacy  
74 without first paying the renewal fee as set out in subsection (b) of this section.

75 (e) Duplicate or Amended Certificates.

76 (1) The fee for issuance of an amended pharmacist's license renewal certificate shall be \$20.

77 (2) The fee for issuance of an amended license to practice pharmacy (wall certificate) only, or  
78 renewal certificate and wall certificate shall be \$35.