

1 **TITLE 22 EXAMINING BOARDS**
2 **PART 15 TEXAS STATE BOARD OF PHARMACY**
3 **CHAPTER 281 ADMINISTRATIVE PRACTICE AND PROCEDURES**
4 **SUBCHAPTER C DISCIPLINARY GUIDELINES**

5
6 **§281.64 Sanctions for Criminal Offenses**
7

8 (a) – (b) (No change.)
9

10 (c) The board has determined that the nature and seriousness of certain crimes outweigh other
11 factors to be considered in §281.63(g) of this title (relating to Considerations for Criminal
12 Offenses) and necessitate the disciplinary action listed below. The following sanctions apply to
13 individuals with the criminal offenses as described below:
14

15 (1) Criminal offenses which require the individual to register with the Department of Public
16 Safety as a sex offender under Chapter 62, Code of Criminal Procedure—denial **or revocation**;
17

18 (2) Felony offenses:
19

20 (A) Drug-related offenses, such as those listed in Chapter 481 or 483, Health and Safety
21 Code:
22

23 (i) Offenses involving manufacture, delivery, or possession with intent to deliver ~~[, fraud, or~~
24 ~~theft of drugs]~~:
25

26 (I) Currently on probation--denial or revocation;
27

28 (II) 0-5 years since date of disposition--denial or revocation;
29

30 (III) 6-10 years since date of disposition--denial or revocation;
31

32 (IV) 11-20 years since date of disposition—**5 years probation** [~~denial or revocation~~];
33

34 (V) Over 20 years since date of disposition—**3 years probation** [~~5 years probation~~];
35

36 (ii) Offenses involving possession of drugs **fraudulent prescriptions, theft of drugs, or**
37 **alcohol**:
38

39 **(I) If the offense involved only the personal use of the drugs or alcohol and/or**
40 **chemical impairment:**

41 **(-a-) Currently on probation--90-day to one-year suspension followed by 5 years**
42 **probation;**

43 **(-b-) 0-5 years since date of disposition--5 years probation;**

44 **(-c-) 6-10 years since date of disposition--3 years probation;**

45 **(-d-) 11-20 years since date of disposition--1 year probation; or**

46 **(II) Otherwise:**

47 **(-a-) Currently on probation—denial or revocation;**

48 **(-b-) 0-5 years since date of disposition—denial or one-year suspension followed by**
49 **5 years probation;**

50 **(-c-) 6-10 years since date of disposition--180-day suspension followed by 5 years**
51 **probation;**

52 ~~(-d) 11-20 years since date of disposition--3 years probation;~~
53 ~~(-e) Over 20 years since date of disposition--1 year probation;~~

54
55 [~~(I) Currently on probation--denial, revocation, or suspension;~~]

56
57 ~~— [(II) 0-5 years since date of disposition--evaluation by a mental health professional~~
58 ~~indicating the individual is safe to engage in pharmacy practice and 5 years probation;]~~

59
60 ~~— [(III) 6-10 years since date of disposition--evaluation by a mental health professional~~
61 ~~indicating the individual is safe to engage in pharmacy practice and 3 years probation;]~~

62
63 ~~— [(IV) 11-20 years since date of disposition--2 years probation;]~~

64
65 ~~— [(V) Over 20 years since date of disposition--1 year probation;]~~

66
67 (B) Offenses involving sexual contact or violent acts, or offenses considered to be felonies of
68 the first degree under the Texas Penal Code:

69
70 (i) Currently on probation--denial or revocation;

71
72 (ii) 0-5 years since date of disposition--denial or revocation;

73
74 (iii) 6-10 years since date of disposition--denial or revocation;

75
76 (iv) 11-20 years since date of disposition--5 years probation;

77
78 (v) Over 20 years since date of disposition--1 year probation;

79
80 (C) Other felony offenses:

81
82 (i) Currently on probation--denial, revocation, or **30- to 180-day suspension followed by 5**
83 **years probation;** [~~suspension;~~]

84
85 (ii) 0-5 years since date of disposition--5 years probation;

86
87 (iii) 6-10 years since date of disposition--3 years probation;

88
89 (iv) 11-20 years since date of disposition--1 year probation;

90
91 (3) Misdemeanor offenses:

92
93 (A) Drug-related offenses, such as those listed in Chapter 481 or 483, Health and Safety
94 Code:

95
96 (i) Offenses involving manufacture, delivery, or possession with intent to deliver[, ~~fraud, or~~
97 ~~theft of drugs~~]:

98
99 (I) Currently on probation--denial or revocation;

100
101 (II) 0-10 years since date of disposition—**30- to 180-day suspension followed by** 5 years
102 probation;

103
104 (III) 11-20 [~~Over 10~~] years since date of disposition—1 year [~~3 years~~] probation;
105
106 (ii) Offenses involving possession of drugs, fraudulent prescriptions, or theft of drugs:
107
108 (I) Pharmacists:
109
110 (-a-) 0-5 years since date of disposition—~~[evaluation by a mental health professional~~
111 ~~indicating the individual is safe to engage in pharmacy practice and]~~ 5 years probation;
112
113 (-b-) 6-10 years since date of disposition—~~[evaluation by a mental health professional~~
114 ~~indicating the individual is safe to engage in pharmacy practice and]~~ 3 years probation;
115
116 (II) Pharmacy Technicians and Pharmacy Technician Trainees:
117
118 (-a-) 0-5 years since date of disposition and offense determined to be in violation of
119 §568.003(a)(5) or (9) of the Act [~~determined to have a drug or alcohol dependency]~~--5 years
120 probation;
121
122 (-b-) 0-5 years since date of disposition and not determined to have a drug or alcohol
123 dependency--1 year probation;
124
125 (-c-) 6-10 years since date of disposition and offense deteremined to be in violation of
126 §568.003(a)(5) or (9) of the Act [~~determined to have a drug or alcohol dependency]~~--3 years
127 probation;
128
129 (III) if 0-5 years since date of disposition, and the offense did not involve only
130 personal use of the drugs and/or chemical impairment, an additional 30- to 90 day
131 suspension will be imposed preceding the probation for the offenses in this subsection.
132
133 (B) Intoxication and alcoholic beverage offenses as defined in the Texas Penal Code, if two
134 such offenses occurred in the previous ten years:
135
136 (i) Pharmacists:
137
138 (I) 0-5 years since date of disposition and offense determined to be in violation of
139 §565.001(a)(4) or (7) of the Act—~~[evaluation by a mental health professional indicating the~~
140 ~~individual is safe to engage in pharmacy practice and]~~ 5 years probation;
141
142 (II) 6-10 years since date of disposition and offense determined to be in violation of
143 §565.001(a)(4) or (7) of the Ac—~~[evaluation by a mental health professional indicating the~~
144 ~~individual is safe to engage in pharmacy practice and]~~ 3 years probation;
145
146 (ii) Pharmacy Technicians and Pharmacy Technician Trainees: 0-5 years since date of
147 disposition and offense determined to be in violation of §568.003(a)(5) or (9) af the Act
148 [~~determined to have a drug or alcohol dependency]~~--5 years probation;
149
150 (C) Other misdemeanor offenses involving moral turpitude: 0-5 years since date of
151 disposition--reprimand.
152

153 (d) When an individual has multiple criminal offenses or other violations, the board shall
154 consider imposing additional more severe types of disciplinary sanctions, as deemed
155 necessary.

156
157 (e) An individual who suffers from an impairment as described by §565.001(a)(4) or (7) or
158 §568.003(a)(5), may provide mitigating information including treatment, counseling, and
159 monitoring in order to mitigate the sanctions imposed.