

RULE ANALYSIS

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

Short Title: Continuing Education

Rule Numbers: §297.8

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, require the law portion of the continuing education requirements for pharmacy technicians to be regarding Texas pharmacy law.

Background: The Board discussed continuing education requirements at their August 2012 and November 2012 meetings and recommended that the law portion of the requirements be consistent with pharmacists' requirements.

The Board reviewed and voted to propose the amendments during the February 5, 2013, meeting. The proposed amendments were published in the March 8, 2013, issue of the *Texas Register* at 38 *TexReg* 1653.

the pharmacist who performed the consultation if on the information is recorded on the hard copy prescription.

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

Filed with the Office of the Secretary of State on February 25, 2013.

TRD-201300858

Gay Dodson, R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption: April 7, 2013

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



CHAPTER 297. PHARMACY TECHNICIANS AND PHARMACY TECHNICIAN TRAINEES

22 TAC §297.8

The Texas State Board of Pharmacy proposes amendments to §297.8 concerning Continuing Education Requirements. The amendments, if adopted, require the law portion of the continuing education requirements for pharmacy technicians to relate to Texas pharmacy law.

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

Ms. Dodson has determined that, for each year of the first five-year period the rule will be in effect, the public benefit anticipated as a result of enforcing the rule will be to update the law portion of the requirements for pharmacy technicians to be consistent with the pharmacists' requirements. There is no fiscal impact for individuals, small or large businesses, or to other entities which are required to comply with this section.

Comments on the proposed amendments may be submitted to Allison Benz, R.Ph., M.S., Director of Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite 3-600, Austin, Texas 78701, FAX (512) 305-8008. Comments must be received by 5:00 p.m., April 30, 2013.

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

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

§297.8. *Continuing Education Requirements.*

- (a) (No change.)
- (b) Pharmacy Technicians.

(1) - (2) (No change.)

(3) For renewals received after January 1, 2015, one [One] hour specified in paragraph (2) of this subsection [subsection (a)] of this

section] shall be related to Texas pharmacy laws or rules [pharmacy law].

(4) - (5) (No change.)

(6) Pharmacy technicians who are certified by the Pharmacy Technician Certification Board and maintain this certification shall be considered as having met the continuing education requirements of this section and shall not be subject to audit by the board provided one hour of continuing education is related to Texas pharmacy law or rules.

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

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Gay Dodson, R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption: April 7, 2013

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PART 21. TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

CHAPTER 463. APPLICATIONS AND EXAMINATIONS

22 TAC §463.2

The Texas State Board of Examiners of Psychologists proposes an amendment to §463.2, concerning Application Process. The proposed amendment will describe the exclusive method for obtaining an application for licensure from the Board and remove the dated reference to a non-existent fee for obtaining an application packet from the Board by mail. The fee referenced in paragraph (1) was found in §473.5 but has been deleted. The proposed amendment also clarifies the point from which the 90-day period begins to run during which an application file remains active. Lastly, the proposed amendment will clarify paragraphs (3) and (4), so that they accurately reflect the application review process.

Darrel D. Spinks, Executive Director, has determined that for the first five-year period the proposed amendment will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the amendment.

Mr. Spinks also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be to help the Board protect the public. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposed amendment may be submitted to Brenda Skiff, Texas State Board of Examiners of Psychologists, 333 Guadalupe, Suite 2-450, Austin, Texas 78701, (512) 305-7700 or email brenda@tsbep.state.tx.us within 30 days of publication of this proposal in the *Texas Register*.