

RULE ANALYSIS

Introduction: THE AMENDMENTS ARE SUBMITTED TO THE BOARD FOR CONSIDERATION AS PROPOSED 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 proposed amendments to clarify the requirements for reinstatement.

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

6
7 **§281.66 Application for Reissuance or Removal of Restrictions of a License or**
8 **Registration**

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10 (a) (No change.)

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

- 15 (1) moral character in the community;
16 (2) employment history;
17 (3) financial support to his/her family;
18 (4) participation in continuing education programs or other methods of maintaining
19 currency with the practice of pharmacy;
20 (5) criminal history record, including arrests, indictments, and convictions relating to
21 felonies or misdemeanors involving moral turpitude;
22 (6) offers of employment in pharmacy;
23 (7) involvement in public service activities in the community;
24 (8) failure to comply with the provisions of the board order revoking or canceling the
25 applicant's license or registration;
26 (9) action by other state or federal regulatory agencies;
27 (10) any physical, chemical, emotional, or mental impairment;
28 (11) the gravity of the offense for which the applicant's license or registration was
29 canceled, revoked, or restricted and the impact the offense had upon the public health,
30 safety and welfare;
31 (12) the length of time since the applicant's license or registration was canceled,
32 revoked or restricted, as a factor in determining whether the time period has been
33 sufficient for the applicant to have rehabilitated himself/herself to be able to practice
34 pharmacy in a manner consistent with the public health, safety and welfare;
35 (13) competency to engage in the practice of pharmacy; or
36 (14) other rehabilitation actions taken by the applicant.

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38 **(c) If reinstatement cases involves criminal offenses, the sanctions specified in**
39 **§281.64 of this chapter apply.**