

## RULE ANALYSIS

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

**Short Title:** Continuing Education

**Rule Numbers:** §295.8

**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, update the definitions to include CPE Monitor and to be consistent with ACPE definitions; remove references to requirements regarding pharmacists licensed for 50 years that are not needed; allow pharmacist to receive credit for CME courses; and require pharmacists to obtain at least one hour of CE in Texas pharmacy law.

**Background:** The Board discussed continuing education requirements at the August 7, 2012, meeting and directed staff to draft proposed language updating the CE requirements.

1 TITLE 22 EXAMINING BOARDS  
2 PART 15 TEXAS STATE BOARD OF PHARMACY  
3 CHAPTER 295 PHARMACISTS  
4

5 **§295.8 Continuing Education Requirements**  
6

7 (a) Authority and purpose.  
8

9 (1) Authority. In accordance with **§559.053** [~~§559.003~~] of the Texas Pharmacy Act, (Chapters  
10 551 - 566, and 568 - 569, Occupations Code), all pharmacists must complete and report 30  
11 contact hours (3.0 CEUs) of approved continuing education obtained during the previous license  
12 period in order to renew their license to practice pharmacy.  
13

14 (2) Purpose. The board recognizes that the fundamental purpose of continuing education is to  
15 maintain and enhance the professional competency of pharmacists licensed to practice in  
16 Texas, for the protection of the health and welfare of the citizens of Texas.  
17

18 (b) Definitions. The following words and terms, when used in this section, shall have the  
19 following meanings, unless the context clearly indicates otherwise.  
20

21 (1) ACPE--Accreditation Council for Pharmacy Education.  
22

23 (2) Act--The Texas Pharmacy Act, Chapters 551 - 566 and 568 - 569, Occupations Code.  
24

25 (3) Approved programs--Live programs, home study, and other mediated instruction delivered  
26 by an approved provider or a program specified by the board and listed as an approved  
27 program in subsection (e) of this section.  
28

29 (4) Approved provider--An individual, institution, organization, association, corporation, or  
30 agency that is approved by the board [~~and recognized by ACPE in accordance with its policy  
31 and procedures, as having met criteria indicative of the ability to provide quality continuing  
32 education programs~~].  
33

34 (5) Board--The Texas State Board of Pharmacy.  
35

36 (6) Certificate of completion--A certificate or other official document presented to a participant  
37 upon the successful completion of **an approved** [a] continuing education program. ~~Certificates  
38 presented by an ACPE approved provider must contain the following information:~~

39  
40 ~~—(A) name of the participant;~~

41  
42 ~~—(B) title and date of the program;~~

43  
44 ~~—(C) name of the approved provider sponsoring or cosponsoring the program;~~

45  
46 ~~—(D) number of contact hours and/or CEUs awarded;~~

47  
48 ~~—(E) the assigned ACPE universal program number, and for CE obtained on or after January  
49 1, 2009, a "P" designation indicating that the CE is targeted to pharmacists;~~

50  
51 ~~—(G) a dated certifying signature of the approved provider; and~~

52 ~~—(H) the official ACPE logo.~~

53  
54 (7) Contact hour--A unit of measure of educational credit which is equivalent to approximately  
55 ~~[50 to]~~ 60 minutes of participation in an organized learning experience.

56  
57 (8) Continuing education unit (CEU)--A unit of measure of education credit which is equivalent  
58 to 10 contact hours (i.e., one CEU = 10 contact hours).

59  
60 **(9) CPE Monitor – A collaborative service from the National Association of Boards of**  
61 **Pharmacy and ACPE that provides an electronic system for pharmacists to track their**  
62 **completed CPE credits.**

63  
64 **(10)** ~~[(9)]~~ Credit hour--A unit of measurement for continuing education equal to 15 contact  
65 hours.

66  
67 **(11) Enduring Materials (Home Study)-- Activities that are printed, recorded or**  
68 **computer assisted instructional materials that do not provide for direct interaction**  
69 **between faculty and participants.**

70  
71 ~~[(10) Home study and other mediated instruction--Continuing education activities that are not~~  
72 ~~conducted as live programs, including audiotapes, videotapes, cable television, computer~~  
73 ~~assisted instruction, journal articles, or monographs.]~~

74  
75 **(12)** ~~[(11)]~~ Initial license period--The time period between the date of issuance of a  
76 pharmacist's license and the next expiration date **following the initial 30 day expiration date.**

77  
78 **(13)** ~~[(12)]~~ License period--The time period between consecutive expiration dates of a license.

79  
80 **(14)** ~~[(13)]~~ Live programs-- **Activities that provide for direct interaction between faculty**  
81 **and participants and may include lectures, symposia, live teleconferences, workshops,**  
82 **etc.** ~~[On-site continuing education activities including lectures, symposia, live teleconferences,~~  
83 ~~or workshops.]~~

84  
85 **(15)** ~~[(14)]~~ Standardized pharmacy examination--The North American Pharmacy Licensing  
86 Examination (NAPLEX).

87  
88 (c) Methods for obtaining continuing education. A pharmacist may satisfy the continuing  
89 education requirements by either:

90  
91 (1) successfully completing the number of continuing education hours necessary to renew a  
92 license as specified in subsection (a)(1) of this section;

93  
94 (2) successfully completing during the preceding license period, one credit hour for each year  
95 of their license period, which is a part of the professional degree program in a college of  
96 pharmacy the professional degree program of which has been accredited by ACPE; **or**

97  
98 (3) taking and passing the standardized pharmacy examination (NAPLEX) during the  
99 preceding license period, which shall be equivalent to the number of continuing education hours  
100 necessary to renew a license as specified in subsection (a)(1) of this section. ~~[; or]~~

102 ~~[(4) having a Texas pharmacist license issued by examination or reciprocity within the previous~~  
103 ~~thirty (30) months.]~~

104  
105 (d) Reporting Requirements.

106  
107 (1) Renewal of a pharmacist license. To renew a license to practice pharmacy, a pharmacist  
108 must report on the renewal application completion of **at least thirty contact hours (3.0 CEUs)**  
109 ~~[the required number of contact hours]~~ of continuing education. The following is applicable to  
110 the reporting of continuing education contact hours.

111  
112 (A) **At least one contact hour (0.1 CEU) specified in paragraph (1) of this subsection**  
113 **shall be related to Texas pharmacy law.** ~~[The renewal application issued by the board shall~~  
114 ~~state the number of contact hours the pharmacist must complete in order to be eligible to renew~~  
115 ~~the license.]~~

116  
117 (B) Any continuing education requirements which are imposed upon a pharmacist as a part of  
118 a board order or agreed board order shall be in addition to the requirements of this section.

119  
120 (2) Failure to report completion of required continuing education. ~~The license of a pharmacist~~  
121 ~~who fails to report completion of the required number of continuing education contact hours~~  
122 ~~shall not be renewed and the pharmacist shall not be issued a renewal certificate for the license~~  
123 ~~period. A pharmacist who practices pharmacy without a current renewal certificate is subject to~~  
124 ~~all penalties of practicing pharmacy without a license.]~~ The following is also applicable if a  
125 pharmacist fails to report completion of the required continuing education.

126  
127 (A) **The license of a pharmacist who fails to report completion of the required number**  
128 **of continuing education contact hours shall not be renewed and the pharmacist shall not**  
129 **be issued a renewal certificate for the license period]**. ~~The pharmacist's license shall not be~~  
130 ~~renewed] until such time as the pharmacist successfully completes the required continuing~~  
131 ~~education and reports the completion to the board.~~

132  
133 (B) **A pharmacist who practices pharmacy without a current renewal certificate is**  
134 **subject to all penalties of practicing pharmacy without a license including [The**  
135 ~~pharmacist shall be subject to]~~ the delinquent fees specified in the Act, §559.003.

136  
137 (3) Extension of time for reporting. A pharmacist who has had a physical disability, illness, or  
138 other extenuating circumstances which prohibits the pharmacist from obtaining continuing  
139 education credit during the preceding license period may be granted an extension of time to  
140 complete the continued education requirement. The following is applicable for this extension:

141  
142 (A) The pharmacist shall submit a petition to the board with his/her license renewal  
143 application which contains:

144 (i) the name, address, and license number of the pharmacist;

145 (ii) **a** statement of the reason for the request for extension; ~~[which includes the dates the~~  
146 ~~pharmacist was incapacitated; and]~~

147 (iii) if the reason for the request for extension is health related, a statement from the  
148 attending physician(s) treating the pharmacist which includes the nature of the physical disability  
149 or illness and the dates the pharmacist was incapacitated; **and**

153  
154 (iv) if the reason for the request for the extension is for other extenuating  
155 circumstances, a detailed explanation of the extenuating circumstances and if because  
156 of military deployment, documentation of the dates of the deployment. .

157  
158 (B) After review and approval of the petition, a pharmacist may be granted an extension of  
159 time to comply with the continuing education requirement which shall not exceed one license  
160 renewal period.

161  
162 (C) An extension of time to complete continuing education credit does not relieve a  
163 pharmacist from the continuing education requirement during the current license period.

164  
165 (D) If a petition for extension to the reporting period for continuing education is denied, the  
166 pharmacist shall:

167  
168 (i) have 60 days to complete and report completion of the required continuing education  
169 requirements; and

170  
171 (ii) be subject to the requirements of paragraph (2) of this subsection relating to failure to  
172 report completion of the required continuing education if the required continuing education is not  
173 completed and reported within the required 60-day time period.

174  
175 (4) Exemptions from reporting requirements.

176  
177 (A) All pharmacists licensed in Texas shall be exempt from the continuing education  
178 requirements during their initial license period.

179  
180 (B) Pharmacists who are not actively practicing pharmacy shall be granted an  
181 exemption to the reporting requirements for continuing education provided the  
182 pharmacists submit a completed renewal application for each license period which  
183 states that they are not practicing pharmacy. Upon submission of the completed renewal  
184 application, the pharmacist shall be issued a renewal certificate which states that  
185 pharmacist is inactive. Pharmacists who wish to return to the practice of pharmacy after  
186 being exempted from the continuing education requirements as specified in this  
187 subparagraph must:

188  
189 (i) notify the board of their intent to actively practice pharmacy;

190  
191 (ii) pay the fee as specified in §295.9 of this title (relating to Inactive License); and

192  
193 (iii) provide copies of completion certificates from approved continuing education  
194 programs as specified in subsection (e) of this section for 30 contact hours. Approved  
195 continuing education earned within two years prior to the licensee applying for the return  
196 to active status may be applied toward the continuing education requirement for  
197 reactivation of the license but may not be counted toward subsequent renewal of the  
198 license.

199  
200 [~~(B) Pharmacists who have been licensed for 50 years are subject to the following.~~

201  
202 ~~—(i) Pharmacists who are actively practicing pharmacy shall complete the continuing~~  
203 ~~education requirements in order to renew their license.~~

204  
205 ~~—(ii) Pharmacists who are not actively practicing pharmacy shall be granted an exemption to~~  
206 ~~the reporting requirements for continuing education provided the pharmacists submit a~~  
207 ~~completed renewal application for each license period which states that they are not practicing~~  
208 ~~pharmacy. Upon submission of the completed renewal application, the pharmacist shall be~~  
209 ~~issued a renewal certificate which states that pharmacist is inactive.~~

210  
211 ~~—(iii) Pharmacists who wish to return to the practice of pharmacy after being exempted from~~  
212 ~~the continuing education requirements as specified in clause (ii) of this subparagraph must:~~

213  
214 ~~—(I) notify the board of their intent to actively practice pharmacy;~~

215  
216 ~~—(II) pay the licensing fee as specified in §295.5 of this title (relating to Pharmacist License~~  
217 ~~or Renewal Fees); and~~

218  
219 ~~—(III) provide copies of completion certificates from approved continuing education programs~~  
220 ~~as specified in subsection (e) of this section for 30 hours. Approved continuing education~~  
221 ~~earned within two years prior to the licensee applying for the return to active status may be~~  
222 ~~applied toward the continuing education requirement for reactivation of the license but may not~~  
223 ~~be counted toward subsequent renewal of the license.]~~

224  
225 (e) Approved Programs.

226  
227 (1) Any program presented by an ACPE approved provider subject to the following conditions.

228  
229 (A) Pharmacists may receive credit for the completion of the same ACPE course only once  
230 during a license period.

231  
232 (B) Pharmacists who present approved ACPE continuing education programs may receive  
233 credit for the time expended during the actual presentation of the program. Pharmacists may  
234 receive credit for the same presentation only once during a license period.

235  
236 (C ) Proof of completion of an ACPE course shall **contain the following information:** ~~[be a~~  
237 ~~certificate of completion as defined by subsection (b)(6) of this section]~~

238  
239 **(i) name of the participant;**

240  
241 **(ii) title and completion date of the program;**

242  
243 **(iii) name of the approved provider sponsoring or cosponsoring the program;**

244  
245 **(iv) number of contact hours and/or CEUs awarded;**

246  
247 **(v) the assigned ACPE universal program number and a "P" designation indicating**  
248 **that the CE is targeted to pharmacists; and**

249  
250 **(vi) either:**

251  
252 **(I) a dated certifying signature of the approved provider and the official ACPE logo;**

253 **or**

254

255 **(II) the CPE Monitor logo**

256  
257 (2) Courses which are part of a professional degree program or an advanced pharmacy  
258 degree program offered by a college of pharmacy which has a professional degree program  
259 accredited by ACPE.

260  
261 (A) Pharmacists may receive credit for the completion of the same course only once during a  
262 license period.

263  
264 (B) Pharmacists who teach these courses may receive credit towards their continuing  
265 education, but such credit may be received only once for teaching the same course during a  
266 license period.

267  
268 (3) Basic cardiopulmonary resuscitation (CPR) courses which lead to CPR certification by the  
269 American Red Cross or the American Heart Association or its equivalent shall be recognized as  
270 approved programs. Pharmacists may receive credit for one contact hour (0.1 CEU) towards  
271 their continuing education requirement for completion of a CPR course only once during a  
272 license period. Proof of completion of a CPR course shall be the certificate issued by the  
273 American Red Cross or the American Heart Association or its equivalent.

274  
275 (4) Advanced cardiovascular life support courses (ACLS) or pediatric advanced life support  
276 (PALS) courses which lead to initial ACLS or PALS certification by the American Heart  
277 Association or its equivalent shall be recognized as approved programs. Pharmacists may  
278 receive credit for twelve contact hours (1.2 CEUs) towards their continuing education  
279 requirement for completion of an ACLS or PALS course only once during a license period. Proof  
280 of completion of an ACLS or PALS course shall be the certificate issued by the American Heart  
281 Association or its equivalent.

282  
283 (5) Advanced cardiovascular life support courses (ACLS) or pediatric advanced life support  
284 (PALS) courses which lead to ACLS or PALS recertification by the American Heart Association  
285 or its equivalent shall be recognized as approved programs. Pharmacists may receive credit for  
286 four contact hours (0.4 CEUs) towards their continuing education requirement for completion of  
287 an ACLS or PALS recertification course only once during a license period. Proof of completion  
288 of an ACLS or PALS recertification course shall be the certificate issued by the American Heart  
289 Association or its equivalent.

290  
291 (6) Attendance at Texas State Board of Pharmacy Board Meetings shall be recognized for  
292 continuing education credit as follows.

293  
294 (A) Pharmacists shall receive credit for three contact hours (0.3 CEUs) towards their  
295 continuing education requirement for attending a full, public board business meeting in its  
296 entirety.

297  
298 (B) A maximum of six contact hours (0.6 CEUs) are allowed for attendance at a board  
299 meeting during a license period.

300  
301 (C) Proof of attendance for a complete board meeting shall be a certificate issued by the  
302 Texas State Board of Pharmacy.

303  
304 (7) Participation in a Texas State Board of Pharmacy appointed Task Force shall be  
305 recognized for continuing education credit as follows.

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(A) Pharmacists shall receive credit for three contact hours (0.3 CEUs) towards their continuing education requirement for participating in a Texas State Board of Pharmacy appointed Task Force.

(B) Proof of participation for a Task Force shall be a certificate issued by the Texas State Board of Pharmacy.

**(8) Attendance at programs presented by the Texas State Board of Pharmacy or courses offered by the Texas State Board of Pharmacy as follows:**

**(A) Pharmacists shall receive credit for the number of hours for the program or course as stated by the Texas State Board of Pharmacy.**

**(B) Proof of attendance at a program presented by the Texas State Board of Pharmacy or completion of a course offered by the Texas State Board of Pharmacy shall be a certificate issued by the Texas State Board of Pharmacy.**

**(9) Pharmacists shall receive credit toward their continuing education requirements for programs or courses approved by other state boards of pharmacy as follows:**

**(A) Pharmacists shall receive credit for the number of hours for the program or course as specified by the other state board of pharmacy.**

**(B) Proof of attendance at a program or course approved by another state board of pharmacy shall be a certificate or other documentation that indicates:**

- (i) name of the participant;**
- (ii) title and completion date of the program;**
- (iii) name of the approved provider sponsoring or cosponsoring the program;**
- (iv) number of contact hours and/or CEUs awarded;**
- (v) a dated certifying signature of the provider; and**
- (vi) documentation that the program is approved by the other state board of pharmacy.**

**(10) [(8)]** Completion of an Institute for Safe Medication Practices' (ISMP) Medication Safety Self Assessment for hospital pharmacies or for community/ambulatory pharmacies shall be recognized for continuing education credit as follows.

(A) Pharmacists shall receive credit for three contact hours (0.3 CEUs) towards their continuing education requirement for completion of an ISMP Medication Safety Self Assessment.

(B) Proof of completion of an ISMP Medication Safety Self Assessment shall be:

356 (i) a continuing education certificate provided by an ACPE approved provider for completion  
357 of an assessment; or

358  
359 (ii) a document from ISMP showing completion of an assessment.

360 **(11)** ~~[(9)]~~ Pharmacists shall receive credit for three contact hours (0.3 CEUs) toward their  
361 continuing education requirements for taking and successfully passing the initial Geriatric  
362 Pharmacy Practice certification examination administered by the Commission for Certification in  
363 Geriatric Pharmacy. Proof of successfully passing the examination shall be a certificate issued  
364 by the Commission for Certification in Geriatric Pharmacy.

365  
366 **(12)** ~~[(10)]~~ Pharmacist shall receive credit for three contact hours (0.3 CEUs) toward their  
367 continuing education requirements for taking and successfully passing an initial Board of  
368 Pharmaceutical Specialties certification examination administered by the Board of  
369 Pharmaceutical Specialties. Proof of successfully passing the examination shall be a certificate  
370 issued by the Board of Pharmaceutical Specialties.

371  
372 ~~[(11) Attendance at programs presented by the Texas State Board of Pharmacy or courses~~  
373 ~~offered by the Texas State Board of Pharmacy as follows:~~

374  
375 ~~—(A) Pharmacists shall receive credit for the number of hours for the program or course as~~  
376 ~~stated by the Texas State Board of Pharmacy.~~

377  
378 ~~—(B) Proof of attendance at a program presented by the Texas State Board of Pharmacy or~~  
379 ~~completion of a course offered by the Texas State Board of Pharmacy shall be a certificate~~  
380 ~~issued by the Texas State Board of Pharmacy.]~~

381  
382 ~~[(12) Pharmacists shall receive credit toward their continuing education requirements for~~  
383 ~~programs or courses approved by other state boards of pharmacy as follows:~~

384  
385 ~~—(A) Pharmacists shall receive credit for the number of hours for the program or course as~~  
386 ~~specified by the other state board of pharmacy.~~

387  
388 ~~—(B) Proof of attendance at a program or course approved by another state board of pharmacy~~  
389 ~~shall be a certificate or other documentation that indicates:~~

390  
391 ~~—(i) name of the participant;~~

392  
393 ~~—(ii) title and date of the program;~~

394  
395 ~~—(iii) name of the approved provider sponsoring or cosponsoring the program;~~

396  
397 ~~—(iv) number of contact hours and/or CEUs awarded;~~

398  
399 ~~—(v) a dated certifying signature of the provider; and~~

400  
401 ~~—(vi) documentation that the program is approved by the other state board of pharmacy.]~~

402  
403 **(13) Programs approved by the American Medical Association as Category 1 CME and**  
404 **accredited by the Accreditation Council for Continuing Medical Education under the**  
405 **following conditions.**

406  
407 **(A) Pharmacists may receive credit for the completion of the same CME course only**  
408 **once during a license period.**

409  
410 **(B) Proof of completion of a CME course shall contain the following information:**

411  
412 **(i) name of the participant;**

413  
414 **(ii) title and completion date of the program;**

415  
416 **(iii) name of the approved provider sponsoring or cosponsoring the program;**

417  
418 **(iv) number of contact hours and/or CEUs awarded; and**

419  
420 **(v) a dated certifying signature of the approved provider.**

421  
422  
423 ~~[(13) Upon demonstrated need the board may establish criteria to approve programs~~  
424 ~~presented by non-ACPE approved providers.]~~

425  
426 (f) Retention of continuing education records and audit of records by the board.

427  
428 (1) Retention of records. Pharmacists are required to maintain certificates of completion of  
429 approved continuing education for three years from the date of reporting the contact hours on a  
430 license renewal application. **Such records may be maintained in hard copy or electronic**  
431 **format.**

432  
433 (2) Audit of records by the board. The board shall audit the records of pharmacists for  
434 verification of reported continuing education credit. The following is applicable for such audits.

435  
436 (A) Upon written request, a pharmacist shall provide to the board documentation of proof for  
437 all continuing education contact hours reported during a specified license period(s). Failure to  
438 provide all requested records during the specified time period constitutes prima facie evidence  
439 of failure to keep and maintain records and shall subject the pharmacist to disciplinary action by  
440 the board.

441  
442 (B) Credit for continuing education contact hours shall only be allowed for approved programs  
443 for which the pharmacist submits documentation of proof reflecting that the hours were  
444 completed during the specified license period(s). Any other reported hours shall be disallowed.  
445 A pharmacist who has received credit for continuing education contact hours disallowed during  
446 an audit shall be subject to disciplinary action.

447  
448 (C) A pharmacist who submits false or fraudulent records to the board shall be subject to  
449 disciplinary action by the board.

450  
451 ~~[(g) Reinstatement of pharmacist's license.~~

452  
453 ~~—(1) Any person seeking reinstatement of a license which has been revoked or canceled by the~~  
454 ~~board shall submit documentation of completion of the required number of continuing education~~  
455 ~~contact hours for all years the license has been revoked or canceled prior to reinstatement of~~  
456 ~~the license.~~

457  
458 ~~—(2) Persons who seek reinstatement of a pharmacist license which has expired shall meet the~~  
459 ~~requirements of §283.10 of this title (relating to Requirements for Application for a Pharmacist~~  
460 ~~License Which Has Expired).]~~  
461