

RULE ANALYSIS

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

Short Title: Disciplinary Guidelines

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, clarify that the rules regarding reissuance of a license or registration or the removal of restrictions on a license or registration includes pharmacy technicians.

Background: Staff presents these amendments to clarify the requirements for the reissuance or removal of restrictions on a license or registration.

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**

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6 **§281.66 Application for Reissuance or Removal of Restrictions of a License or**
7 **Registration**
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10 (a) A person whose pharmacy license, pharmacy technician registration, or license or
11 registration to practice pharmacy has been canceled, revoked, or restricted, whether
12 voluntary or by action of the board, may, after 12 months from the effective date of such
13 cancellation, revocation, or restriction, apply to the board for reinstatement or removal of the
14 restriction of the license or registration.

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16 (1) The application shall be given under oath and on the form prescribed by the board.

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18 (2) A person applying for reinstatement or removal of restrictions has the burden of proof.

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20 (3) On investigation and hearing, the board may in its discretion grant or deny the
21 application or it may modify its original finding to reflect any circumstances that have
22 changed sufficiently to warrant the modification.

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24 (4) If such application is denied by the board, a subsequent application may not be
25 considered by the board until 12 months from the date of denial of the previous application.

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27 (5) The board in its discretion may require a person to pass an examination or
28 examinations to reenter the practice of pharmacy.

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30 (b) The board may consider the following items in determining the reinstatement of an
31 applicant's previously revoked or canceled license or registration [~~pharmacist license~~]:

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33 (1) moral character in the community;

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35 (2) employment history;

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37 (3) financial support to his/her family;

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39 (4) participation in continuing education programs or other methods of maintaining
40 currency with the practice of pharmacy;

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42 (5) criminal history record, including arrests, indictments, and convictions relating to
43 felonies or misdemeanors involving moral turpitude;

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45 (6) offers of employment in pharmacy [~~as a pharmacist~~];

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47 (7) involvement in public service activities in the community;

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49 (8) failure to comply with the provisions of the board order revoking or canceling the
50 applicant's license or registration;

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52 (9) action by other state or federal regulatory agencies;

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(10) any physical, chemical, emotional, or mental impairment;

(11) the gravity of the offense for which the applicant's license **or registration** was canceled, revoked, or restricted and the impact the offense had upon the public health, safety and welfare;

(12) the length of time since the applicant's license **or registration** was canceled, revoked or restricted, as a factor in determining whether the time period has been sufficient for the applicant to have rehabilitated himself/herself to be able to practice pharmacy in a manner consistent with the public health, safety and welfare;

(13) competency to engage in the practice of pharmacy; or

(14) other rehabilitation actions taken by the applicant.