

## RULE ANALYSIS

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

**Short Title:** Continuing Education Requirements

**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, clarify the procedures for pharmacists who have been licensed for 50 years wanting to return to the practice of pharmacy.

**Background:** Staff presents these amendments to make the rules conform to other sections relating to pharmacist continuing education.

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) – (c) (No change.)

8  
9 (d) Reporting Requirements.

10  
11 (1) – (2) (No change.)

12  
13 (3) Extension of time for reporting. **A pharmacist who has had a physical disability, illness, or other extenuating circumstances which prohibits the pharmacist from obtaining continuing education credit during the preceding license period may be granted an extension of time to complete the continued education requirement. The following is applicable for this extension.** ~~[The board may grant an extension of time for a pharmacist to comply with the continuing education requirements. Such extension may be granted for good cause as follows:]~~

14  
15  
16  
17  
18  
19  
20  
21 ~~—[(A) A pharmacist who has had a physical disability, illness, or other extenuating~~  
22 ~~circumstances which prohibits the pharmacist from obtaining continuing education credit~~  
23 ~~during the preceding license period may be granted an extension of time to complete the~~  
24 ~~continued education requirement. The following is applicable for this extension.]~~

25  
26 **(A) [(i)]** The pharmacist shall submit a petition to the board with his/her license renewal  
27 application which contains:

28  
29 **(i) [(1)]** the name, address, and license number of the pharmacist;

30  
31 **(ii) [(1)]** statement of the reason for the request for extension which includes the dates  
32 the pharmacist was incapacitated; and

33  
34 **(iii) [(1)]** if the reason for the request for extension is health related, a statement from  
35 the attending physician(s) treating the pharmacist which includes the nature of the physical  
36 disability or illness and the dates the pharmacist was incapacitated.

37  
38 **(B) [(ii)]** After review and approval of the petition, a pharmacist may be granted an  
39 extension of time to comply with the continuing education requirement which shall not  
40 exceed one license renewal period.

41  
42 **(C) [(iii)]** An extension of time to complete continuing education credit does not relieve a  
43 pharmacist from the continuing education requirement during the current license period.

44  
45 **(D) [(iv)]** If a petition for extension to the reporting period for continuing education is  
46 denied, the pharmacist shall:

47  
48 **(i) [(1)]** have 60 days to complete and report completion of the required continuing  
49 education requirements; and

1           (ii) ~~[(H)]~~ be subject to the requirements of paragraph (2) of this subsection relating to  
2 failure to report completion of the required continuing education if the required continuing  
3 education is not completed and reported within the required 60-day time period.

4  
5           ~~[(B) Pharmacists who have been licensed for 50 years are subject to the following.~~

6  
7           ~~—(i) Pharmacists who are actively practicing pharmacy shall complete the continuing  
8 education requirements in order to renew their license.~~

9  
10           ~~—(ii) Pharmacists who are not actively practicing pharmacy shall be granted an indefinite  
11 extension to the reporting requirement for continuing education provided the pharmacists  
12 submit a completed renewal application for each license period which states that they are  
13 not practicing pharmacy. Upon submission of the completed renewal application, the  
14 pharmacist shall be issued a renewal certificate which states that pharmacist is inactive.~~

15  
16           ~~—(iii) Pharmacists who wish to return to the practice after being granted an extension to  
17 the continuing education requirements as specified in clause (ii) of this subparagraph must:~~

18  
19           ~~—(I) notify the board of their intent to actively practice pharmacy;~~

20  
21           ~~—(II) pay the licensing fee as specified in §295.5 of this title (relating to Pharmacist  
22 License or Renewal Fees); and~~

23  
24           ~~—(III) submit documentation of completion of the required number of continuing  
25 education hours for each license period they have been granted an extension up to a  
26 maximum of 45 contact hours (4.5 CEUs).~~

27  
28           ~~—(C) During a granted extension period, a pharmacist license shall be renewed and the  
29 pharmacist may practice pharmacy.]~~

30  
31           **(4) Exemptions from reporting requirements.**

32  
33           **(A) All pharmacists licensed in Texas shall be exempt from the continuing  
34 education requirements during their initial license period.**

35  
36           **(B) Pharmacists who have been licensed for 50 years are subject to the following.**

37  
38           **(i) Pharmacists who are actively practicing pharmacy shall complete the  
39 continuing education requirements in order to renew their license.**

40  
41           **(ii) Pharmacists who are not actively practicing pharmacy shall be granted an  
42 exemption to the reporting requirements for continuing education provided the  
43 pharmacists submit a completed renewal application for each license period which  
44 states that they are not practicing pharmacy. Upon submission of the completed  
45 renewal application, the pharmacist shall be issued a renewal certificate which states  
46 that pharmacist is inactive.**

47  
48           **(iii) Pharmacists who wish to return to the practice of pharmacy after being  
49 exempted from the continuing education requirements as specified in clause (ii) of  
50 this subparagraph must:**

51  
52           **(I) notify the board of their intent to actively practice pharmacy;**

1  
2 (II) pay the licensing fee as specified in §295.5 of this title (relating to Pharmacist  
3 License or Renewal Fees); and

4  
5 (III) provide copies of completion certificates from approved continuing  
6 education programs as specified in §295.8(e) of this title (relating to Continuing  
7 Education Requirements) for 30 hours. Approved continuing education earned within  
8 two years prior to the licensee applying for the return to active status may be applied  
9 toward the continuing education requirement for reactivation of the license but may  
10 not be counted toward subsequent renewal of the license.

11  
12 (e) – (g) (No change.)