

## RULE ANALYSIS

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

**Short Title:** Examination and Reciprocity Requirements

**Rule Numbers:** §§283.7, 283.8

**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;
  - (2) Section 554.051 gives the Board the authority to adopt rules for the proper administration and enforcement of the Act; and
  - (3) Section 411.084 of the Government Code gives the agency authority to obtain criminal history information from the Federal Bureau of Investigations.
- the

**Purpose:** The amendments, if adopted, clarify that the Board may require individuals to submit the required information to perform a criminal background check including fingerprinting.

**Background:** Staff presents these amendments to clarify that criminal background information may be required for licensure.

1 **TITLE 22. EXAMINING BOARDS**  
2 **PART 15. TEXAS STATE BOARD OF PHARMACY**  
3 **CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS**

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6 **RULE §283.7 Examination Requirements**  
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8 Each applicant for licensure by examination shall pass the Texas Pharmacy Jurisprudence  
9 Examination and the NAPLEX. The examination requirements shall be as follows:

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11 (1) Prior to taking the required examination, the applicant [~~shall meet~~]:

12  
13 (A) **shall meet** the educational and age requirements as set forth in §283.3 of this title  
14 (relating to Educational and Age Requirements) and

15  
16 (B) **may be required to meet** all requirements necessary in order for the Board to access  
17 the criminal history record information, including submitting fingerprint information and being  
18 responsible for all associated costs.

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20 (2) – (9) (No change.)  
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23 **§283.8 Reciprocity Requirements**  
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25 (a) All applicants for licensure by reciprocity [~~shall~~]:  
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27 (1) **shall** meet the educational and age requirements specified in §283.3 of this title  
28 (relating to Educational and Age Requirements);

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30 (2) **may be required to** meet all requirements necessary in order for the Board to access  
31 the criminal history record information, including submitting fingerprint information and being  
32 responsible for all associated costs;

33  
34 (3) **shall** complete the Texas and NABP applications for reciprocity. (Any fraudulent  
35 statement made in the application for reciprocity is grounds for denial of the application; if  
36 such application is granted, any fraudulent statement is grounds for suspension, revocation,  
37 and/or cancellation of any license so granted by the board);

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39 (4) **shall** present to the board proof of initial licensing by examination and proof that their  
40 current license and any other license or licenses granted to the applicant by any other state  
41 have not been suspended, revoked, canceled, surrendered, or otherwise restricted for any  
42 reason; and

43  
44 (5) **shall** pass the Texas Pharmacy Jurisprudence Examination with a minimum grade of  
45 75. (The passing grade may be used for the purpose of licensure by reciprocity for a period  
46 of two years from the date of passing the examination.) Should the applicant fail to achieve  
47 a minimum grade of 75 on the Texas Pharmacy Jurisprudence Examination, such applicant,  
48 in order to be licensed, shall retake the Texas Pharmacy Jurisprudence Examination as  
49 specified in §283.11 of this title (relating to Examination Retake Requirements) until such  
50 time as a minimum grade of 75 is achieved.

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52 (b) – (e) (No change.)