

RULE ANALYSIS

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

Short Title: Contested Cases

Rule Numbers: §281.22

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, corrects the citation reference.

Background: Board staff presents the amendments to correctly reference the appropriate citation.

The Board reviewed and voted to propose the amendments during the May 7, 2013, meeting. The proposed amendments were published in the June 28, 2013, issue of the *Texas Register* at 38 TexReg 4135.

1 **PART 15. TEXAS STATE BOARD OF PHARMACY**

2 **CHAPTER 281. ADMINISTRATIVE PRACTICE AND PROCEDURES**

3 **SUBCHAPTER B. GENERAL PROCEDURES IN A CONTESTED CASE**

4 **§281.22**

5 The Texas State Board of Pharmacy proposes amendments to §281.22, concerning an Informal
6 Disposition of a Contested Case. The amendments, if adopted, correct the citation reference.

7 Gay Dodson, R.Ph., Executive Director/Secretary, has determined that, for the first five-year
8 period the rule is in effect, there will be no fiscal implications for state or local government as a
9 result of enforcing or administering the rule.

10 Ms. Dodson has determined that, for each year of the first five-year period the rule will be in
11 effect, the public benefit anticipated as a result of enforcing the rule will be to correctly reference
12 the appropriate citation. There is no fiscal impact for individuals, small or large businesses, or to
13 other entities which are required to comply with this section.

14 Comments on the proposed amendments may be submitted to Allison Benz, R.Ph., M.S.,
15 Director of Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite
16 3-600, Austin, Texas 78701, FAX (512) 305-8008. Comments must be received by 5:00 p.m.,
17 July 31, 2013.

18 The amendments are proposed under §551.002 and §554.051 of the Texas Pharmacy Act
19 (Chapters 551 - 566 and 568 - 569, Texas Occupations Code). The Board interprets §551.002 as
20 authorizing the agency to protect the public through the effective control and regulation of the
21 practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules
22 for the proper administration and enforcement of the Act.

23 The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 566 and 568 -
24 569, Texas Occupations Code.

25 ***§281.22.Informal Disposition of a Contested Case.***

26 (a) - (d) (No change.)

27 (e) Any default judgment granted under this section will be entered on the basis of the factual
28 allegations in the notice specified in subsection (b) of this section, and upon proof of proper
29 notice to the licensee's or registrant's address of record. For purposes of this section, proper
30 notice means notice sufficient to meet the provisions of §2001.052 [~~§2001.054~~] of the
31 Administrative Procedure Act and §281.30 of this title (relating to Pleadings and Notice in a
32 Contested Case).

33 (f) - (j) (No change.)

34 This agency hereby certifies that the proposal has been reviewed by legal counsel and found to
35 be within the agency's legal authority to adopt.

36 Filed with the Office of the Secretary of State on June 17, 2013.

37 TRD-201302505

38 Gay Dodson, R.Ph.

39 Executive Director/Secretary

40 Texas State Board of Pharmacy

41 Earliest possible date of adoption: July 28, 2013

42 For further information, please call: (512) 305-8028