

RULE ANALYSIS

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

Short Title: Consideration for Criminal Offenses

Rule Numbers: §281.63

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 wording.

Background: Board staff presents the amendments to correct wording.

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 C. DISCIPLINARY GUIDELINES**

4 **§281.63**

5 The Texas State Board of Pharmacy proposes amendments to §281.63, concerning
6 Considerations for Criminal Offenses. The amendments, if adopted, correct wording.

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 update the
12 wording. There is no fiscal impact for individuals, small or large businesses, or to other entities
13 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 ***§281.63. Considerations for Criminal Offenses.***

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

27 (h) In order to establish the factors in subsection (g) of this section, a person with a conviction or
28 deferred adjudication shall:

29 (1) (No change.)

30 (2) cooperate with the board by providing the information required by this section, including
31 proof that he or she has:

32 (A) (No change.)

33 (B) supported his or her dependents, as evidenced by salary stubs, income tax records or other
34 employment records for the time since the conviction or deferred adjudication and/or release
35 from imprisonment, and a recommendation from the spouse or either [~~other~~] parent;

36 (C) - (E) (No change.)

37 (i) (No change.)

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

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

41 TRD-201302506

42 Gay Dodson, R.Ph.

43 Executive Director/Secretary

44 Texas State Board of Pharmacy

45 Earliest possible date of adoption: July 28, 2013

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