

## RULE ANALYSIS

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

**Short Title:** Out-of-state Disciplinary Actions

**Rule Numbers:** §281.67

**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 references.

**Background:** Board staff presents the amendments to correct references.

**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 4136.**

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

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

3 **SUBCHAPTER C. DISCIPLINARY GUIDELINES**

4 **§281.67**

5 The Texas State Board of Pharmacy proposes amendments to §281.67, concerning Sanctions for  
6 Out-of-State Disciplinary Actions. The amendments, if adopted, correct references.

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 and correct  
12 references. 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 ***§281.67.Sanctions for Out-of-State Disciplinary Actions.***

26 (a) (No change.)

27 (b) The sanctions imposed by this chapter [~~section~~] can be used in conjunction with other types  
28 of disciplinary actions, including administrative penalties, as outlined in this chapter [~~section~~].

29 (c) (No change.)

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

- 32 Filed with the Office of the Secretary of State on June 17, 2013.
- 33 TRD-201302508
- 34 Gay Dodson, R.Ph.
- 35 Executive Director/Secretary
- 36 Texas State Board of Pharmacy
- 37 Earliest possible date of adoption: July 28, 2013
- 38 For further information, please call: (512) 305-8028