

## RULE ANALYSIS

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

**Short Title:** Fees

**Rule Numbers:** §283.9

**Statutory Authority:** Texas Pharmacy Act, Chapter 551-569, 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, will increase the pharmacist examination fee from \$52 to \$103.

**The Board reviewed and voted to propose the amendments during the May 5, 2015, meeting. The proposed amendments were published in the June 26, 2015, issue of the *Texas Register* at 40 TexReg 4171.**

1 **CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS**

2 **22 TAC §283.9**

3 The Texas State Board of Pharmacy proposes amendments to §283.9 concerning Fee  
4 Requirements for Licensure by Examination, Score Transfer, and Reciprocity. The amendments,  
5 if adopted, increase the examination fee from \$52 to \$103.

6 Gay Dodson, R.Ph., Executive Director/Secretary, has determined that, for the first five-year  
7 period the rule is in effect, there will be fiscal implications for state government as a result of  
8 enforcing or administering the amended rule as follows:

9 Revenue increase

10 FY2016: \$49,632

11 FY2017: \$49,623

12 FY2018: \$49,623

13 FY2019: \$49,623

14 FY2020: \$49,623

15 There are no anticipated fiscal implications for local government.

16 Ms. Dodson has determined that, for each year of the first five-year period the amendments will  
17 be in effect, the public benefit anticipated as a result of enforcing the rule will be assuring that  
18 the Texas State Board of Pharmacy is adequately funded to carry out its mission. The effect on  
19 large, small or micro-businesses (pharmacies) will be the same as the economic cost to an  
20 individual, if the pharmacy chooses to pay the fee for the individual.

21 Economic cost to persons who are required to comply with the amended rule will be an increase  
22 of \$51 for an examination fees.

23 Comments on the amendments may be submitted to Allison Benz, R.Ph., M.S., Director of  
24 Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite 3-600,  
25 Austin, Texas 78701, FAX (512) 305-8008. Comments must be received by 5:00 p.m., August 3,  
26 2015.

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

32 The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 566, 568, and  
33 569, Texas Occupations Code.

34 *§283.9. Fee Requirements for Licensure by Examination, Score Transfer and Reciprocity.*

35 (a) The fees for licensure by examination, score transfer, and reciprocity shall include one exam  
36 administration. The fees are as follows:

37 (1) Examination Fee. The fee to submit an application for licensure by examination will include:

38 (A) An examination processing fee of \$103 [~~\$52~~], which is to be paid to the Texas State Board  
39 of Pharmacy and includes the processing of the Texas application.

40 (B) NAPLEX administrative and examination fees as determined by NABP, which are to be paid  
41 to NABP in accordance with NABP policy.

42 (C) MPJE administrative and examination fees as determined by NABP, which are to be paid to  
43 NABP in accordance with NABP policy.

44 (2) Reciprocity Fee. The fee to submit an application for licensure by reciprocity will include.

45 (A) A reciprocity fee of \$255, which is to be paid to the Texas State Board of Pharmacy.

46 (B) MPJE administrative and examination fees as determined by NABP, which are to be paid to  
47 NABP in accordance with NABP policy.

48 (C) A license verification fee as determined by NABP, which is to be paid to NABP in  
49 accordance with NABP policy.

50 (3) Score Transfer Fee. The fees to transfer a score to Texas, using the NAPLEX Score Transfer  
51 system will include:

52 (A) An examination processing fee of \$103 [~~\$52~~], which is to be paid to the Texas State Board  
53 of Pharmacy and includes the processing of the Texas application.

54 (B) MPJE administrative and examination fees as determined by NABP, which are to be paid to  
55 NABP in accordance with NABP policy.

56 (C) A score transfer fee as determined by NABP, which is to be paid to NABP in accordance  
57 with NABP policy.

58 (b) If an applicant fails an examination or is required to take an examination by the Board, the  
59 application fee is \$103 [~~\$52~~] for each examination the applicant is required to take.

60 (c) Rescheduling or canceling an examination appointment.

- 61 (1) Refunds for fees charged by NABP for the administration of the NAPLEX and MPJE are in  
62 accordance with NABP policy. Rescheduling of an examination appointment shall be in  
63 accordance with NABP policy.
- 64 (2) The Board may refund fifty percent of an examination fee paid to the Board by an applicant if  
65 the applicant:
- 66 (A) provides advance notice of their inability to take the examination prior to the board  
67 providing authorization to take the examination; or
- 68 (B) is unable to take the examination due to an emergency situation including but not limited to a  
69 manmade or natural disaster, documented serious medical illness, or other circumstance deemed  
70 an emergency by the Executive Director of the Board.
- 71 (d) A person who takes NAPLEX and/or the Texas Pharmacy Jurisprudence Examination will be  
72 notified of the results of the examination(s) within two weeks of receipt of the results of the  
73 examination(s) from the testing service. If both NAPLEX and the Texas Pharmacy Jurisprudence  
74 Examination are taken, the applicant will not be notified until the results of both examinations  
75 have been received. Such notification will be made within two weeks after receipt of the results  
76 of both examinations.
- 77 (e) Once an applicant has successfully completed all requirements of licensure, the applicant will  
78 be notified of licensure as a pharmacist and of his or her pharmacist license number and the  
79 following is applicable.
- 80 (1) The notice letter shall serve as authorization for the person to practice pharmacy in Texas for  
81 a period of 30 days from the date of the notice letter.
- 82 (2) The applicant shall complete a pharmacist license application and pay one pharmacist  
83 licensee fee as specified in §295.5 of this title (relating to Pharmacist License or Renewal Fees).
- 84 (3) The provisions of §295.7 of this title (relating to Pharmacist License Renewal) apply to the  
85 timely receipt of an application and licensure fee.
- 86 (4) If application and payment of the pharmacist license fee are not received by the board within  
87 30 days from the date of the notice letter, the person's license to practice pharmacy shall expire.  
88 A person may not practice pharmacy with an expired license. The license may be renewed  
89 according to the following schedule.
- 90 (A) If the notice letter has been expired for 90 days or less, the person may become licensed by  
91 making application and paying to the board one license fee and a fee that is one-half of the  
92 examination fee for the license.
- 93 (B) If the notice letter has been expired for more than 90 days but less than one year, the person  
94 may become licensed by making application and paying to the board all unpaid renewal fees and  
95 a fee that is equal to the examination fee for the license.

96 (C) If the notice letter has been expired for one year or more, the person shall apply for a new  
97 license.