

## RULE ANALYSIS

**Introduction:** THE AMENDMENTS ARE SUBMITTED TO THE BOARD FOR CONSIDERATION AS A PROPOSED RULE

**Short Title:** Grounds for Discipline

**Rule Numbers:** §§281.7, 281.9

**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, update the grounds for discipline for pharmacists and pharmacy technicians to include abusive, intimidating, or threatening behavior toward a board employee during the performance of such employee's lawful duties; and adds failure to respond to a continuing education audit to the grounds for discipline for a pharmacy technician.

1 TITLE 22 EXAMINING BOARDS  
2 PART 15 TEXAS STATE BOARD OF PHARMACY  
3 CHAPTER 281 ADMINISTRATIVE PRACTICE AND PROCEDURES  
4 SUBCHAPTER A GENERAL PROVISIONS

5  
6 **§281.7 Grounds for Discipline for a Pharmacist License**  
7

8  
9 (a) For the purposes of the Act, §565.001(a)(2), "unprofessional conduct" is defined as  
10 engaging in behavior or committing an act that fails to conform with the standards of the  
11 pharmacy profession, including, but not limited to, criminal activity or activity involving moral  
12 turpitude, dishonesty, or corruption. This conduct shall include, but not be limited to:

13  
14 (1) – (21) (No change.)

15  
16 (22) **abusive, intimidating, or threatening behavior toward** [~~physically abusing~~] a board  
17 employee during the performance of such employee's lawful duties;

18  
19 (23) – (32) (No change.)

20  
21 (b) – (c) (No change.)  
22  
23  
24

25 **§281.9 Grounds for Discipline for a Pharmacy Technician or a Pharmacy Technician**  
26 **Trainee**  
27

28 (a) (No change.)  
29

30 (b) For the purposes of the Act, §568.003(a)(10), "negligent, unreasonable, or inappropriate  
31 conduct" shall include, but not be limited to:

32  
33 (1) – (5) (No change.)  
34

35 (6) **abusive, intimidating, or threatening behavior toward** [~~physically abusing~~] a board  
36 employee during the performance of such employee's lawful duties; [~~or~~]

37  
38 (7) failing to repay a guaranteed student loan, as provided in the Texas Education Code,  
39 §57.491; **or**  
40

41 **(8) failing to respond and to provide all requested records within the time specified in an**  
42 **audit of continuing education records under §297.8 of this title (relating to Continuing**  
43 **Education Requirements).**  
44

45 (c) – (d) (No change.)