

RULE ANALYSIS

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

Short Title: Fees

Rule Numbers: §§291.6, 295.5, and 297.4

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, will increase pharmacy and pharmacist license fees and pharmacy technician registration fees based on expected expenses.

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TITLE 22 EXAMINING BOARDS
PART 15 TEXAS STATE BOARD OF PHARMACY
CHAPTER 291 PHARMACIES
SUBCHAPTER A ALL CLASSES OF PHARMACIES

§291.6 Pharmacy License Fees

9 (a) Initial License Fee. **The fee for an initial license shall be \$459 for the initial registration**
10 **period.**

11 ~~[(1) Prior to October 1, 2015, the fee for an initial license shall be \$500 for the initial registration~~
12 ~~period and for processing the application and issuance of the pharmacy license as authorized~~
13 ~~by the Act §554.006. Effective October 1, 2015, the fee for an initial license shall be \$401 for the~~
14 ~~initial registration period and for processing the application and issuance of the pharmacy~~
15 ~~license as authorized by the Act §554.006.~~

16 ~~—(2) In addition, the following fees shall be collected:~~

17 ~~—(A) \$15 surcharge to fund a program to aid impaired pharmacists and pharmacy students as~~
18 ~~authorized by the Act §564.051;~~

19 ~~—(B) prior to October 1, 2015, \$15 surcharge to fund TexasOnline as authorized by Chapter~~
20 ~~2054, Subchapter I, Government Code; and effective October 1, 2015, \$12 surcharge to fund~~
21 ~~TexasOnline as authorized by Chapter 2054, Subchapter I, Government Code;~~

22 ~~—(C) \$5 surcharge to fund the Office of Patient Protection as authorized by Chapter 101,~~
23 ~~Subchapter G, Occupations Code; and~~

24 ~~—(D) up to a \$21 surcharge to fund the Prescription Drug Monitoring Program as authorized by~~
25 ~~§554.006, Occupations Code, effective October 1, 2015.]~~

26 (b) Biennial License Renewal. The Texas State Board of Pharmacy shall require biennial
27 renewal of all pharmacy licenses provided under the Act §561.002.

28 (c) Renewal Fee. **The fee for biennial renewal of a pharmacy license shall be \$456 for the**
29 **renewal period.**

30 ~~[(1) Prior to October 1, 2015, the fee for biennial renewal of a pharmacy license shall be \$500~~
31 ~~for processing the application and issuance of the pharmacy license as authorized by the Act~~
32 ~~§554.006. Effective October 1, 2015, the fee for biennial renewal of a pharmacy license shall be~~
33 ~~\$401 for processing the application and issuance of the pharmacy license as authorized by the~~
34 ~~Act §554.006.~~

35 ~~—(2) In addition, the following fees shall be collected:~~

36 ~~—(A) \$15 surcharge to fund a program to aid impaired pharmacists and pharmacy students as~~
37 ~~authorized by the Act §564.051;~~

38 —(B) prior to October 1, 2015, \$15 surcharge to fund TexasOnline as authorized by Chapter
39 2054, Subchapter I, Government Code; and effective October 1, 2015, \$12 surcharge to fund
40 TexasOnline as authorized by Chapter 2054, Subchapter I, Government Code;

41 —(C) \$2 surcharge to fund the Office of Patient Protection as authorized by Chapter 101,
42 Subchapter G, Occupations Code; and

43 —(D) up to a \$21 surcharge to fund the Prescription Drug Monitoring Program as authorized by
44 §554.006, Occupations Code, effective October 1, 2015.]

45 (d) Duplicate or Amended Certificates. The fee for issuance of a duplicate pharmacy license
46 renewal certificate shall be \$20. The fee for issuance of an amended pharmacy license renewal
47 certificate shall be \$100.

1 TITLE 22 EXAMINING BOARDS
2 PART 15 TEXAS STATE BOARD OF PHARMACY
3 CHAPTER 295 PHARMACISTS
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5 **§295.5 Pharmacist License or Renewal Fees**
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7 (a) Biennial Registration. The Texas State Board of Pharmacy shall require biennial renewal of
8 all pharmacist licenses provided under the Pharmacy Act, §559.002.

9 (b) Initial License Fee.

10 (1) **The fee for the initial license shall be \$284 for a two year registration.** [Prior to October
11 1, 2015, the fee for the initial license shall be \$281 for a two year registration and for processing
12 the application and issuance of the pharmacist license as authorized by the Act, §554.006.
13 Effective October 1, 2015, the fee for an initial license shall be \$235 for a two year registration
14 and for processing the application and issuance of the pharmacist license as authorized by the
15 Act, §554.006.]

16 (2) [In addition, the following fees shall be collected:

17 —(A) \$13 surcharge to fund a program to aid impaired pharmacists and pharmacy students as
18 authorized by the Act, §564.051;

19 —(B) \$5 surcharge to fund TexasOnline as authorized by Chapter 2054, Subchapter I,
20 Government Code;

21 —(C) \$5 surcharge to fund the Office of Patient Protection as authorized by Chapter 101,
22 Subchapter G, and Occupations Code; and

23 —(D) up to a \$21 surcharge to fund the Prescription Monitoring Program as authorized by
24 §554.006, Occupations Code, effective October 1, 2015.]

25 ~~[(3)]~~ New pharmacist licenses shall be assigned an expiration date and initial fee shall be
26 prorated based on the assigned expiration date.

27 (c) Renewal Fee. **The fee for biennial renewal of a pharmacist license shall be \$281 for a
28 two year registration.**

29 ~~[(1) Prior to October 1, 2015, the fee for biennial renewal of a pharmacist license shall be \$281
30 for processing the application and issuance of the pharmacist license as authorized by the Act,
31 §554.006. Effective October 1, 2015, the fee for biennial renewal of a pharmacist license shall
32 be \$235 for processing the application and issuance of the pharmacist license as authorized by
33 the Act, §554.006.]~~

34 ~~[(2) In addition, the following fees shall be collected:~~

35 ~~—(A) \$13 surcharge to fund a program to aid impaired pharmacists and pharmacy students as
36 authorized by the Act, §564.051;~~

37 ~~—(B) \$5 surcharge to fund TexasOnline as authorized by Chapter 2054, Subchapter I,
38 Government Code;~~

39 ~~—(C) \$2 surcharge to fund the Office of Patient Protection as authorized by Chapter 101,
40 Subchapter G, Occupations Code; and~~

41 ~~—(D) up to a \$21 surcharge to fund the Prescription Drug Monitoring Program as authorized by
42 §554.006, Occupations Code, effective October 1, 2015.]~~

43 (d) Exemption from fee. The license of a pharmacist who has been licensed by the Texas State
44 Board of Pharmacy for at least 50 years or who is at least 72 years old shall be renewed without
45 payment of a fee provided such pharmacist is not actively practicing pharmacy. The renewal
46 certificate of such pharmacist issued by the board shall reflect an inactive status. A person
47 whose license is renewed pursuant to this subsection may not engage in the active practice of
48 pharmacy without first paying the renewal fee as set out in subsection (b) of this section.

49 (e) Duplicate or Amended Certificates.

50 (1) The fee for issuance of an amended pharmacist's license renewal certificate shall be \$20.

51 (2) The fee for issuance of an amended license to practice pharmacy (wall certificate) only, or
52 renewal certificate and wall certificate shall be \$35.

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TITLE 22 EXAMINING BOARDS
PART 15 TEXAS STATE BOARD OF PHARMACY
CHAPTER 297 PHARMACY TECHNICIANS AND PHARMACY TECHNICIAN TRAINEES

§297.4 Fees

(a) Pharmacy technician trainee. **The fee for registration shall be \$55 for a two year registration.** [~~Prior to October 1, 2015, the fee for registration shall be \$55 for a two year registration for processing the application and issuance of the pharmacy technician trainee registration as authorized by the Act, §568.005. Effective October 1, 2015, the fee for registration shall be \$45 for a two year registration for processing the application and issuance of the pharmacy technician trainee registration as authorized by the Act, §568.005. In addition, the following fees shall be collected:~~

~~—(1) \$2 surcharge to fund TexasOnline as authorized by Chapter 2054, Subchapter I, Government Code; and~~

~~—(2) \$5 surcharge to fund the Office of Patient Protection as authorized by Chapter 101, Subchapter G, Occupations Code.]~~

(b) Pharmacy technician.

(1) Biennial Registration. The board shall require biennial renewal of all pharmacy technician registrations provided under Chapter 568 of the Act.

(2) Initial Registration Fee. **The fee for initial registration shall be \$83 for a two year registration.** [~~Prior to October 1, 2015, the fee for initial registration shall be \$91 for a two year registration for processing the application and issuance of the pharmacy technician registration as authorized by the Act, §568.005. Effective October 1, 2015, the fee for registration shall be \$72 for a two year registration for processing the application and issuance of the pharmacy technician registration as authorized by the Act, §568.005. In addition, the following fees shall be collected:~~

~~—(A) \$3 surcharge to fund TexasOnline as authorized by Chapter 2054, Subchapter I, Government Code; and~~

~~—(B) \$5 surcharge to fund the Office of Patient Protection as authorized by Chapter 101, Subchapter G, Occupations Code.]~~

(3) Renewal Fee. **The fee for biennial renewal shall be \$80 for a two year registration.** [~~Prior to October 1, 2015, the fee for biennial renewal shall be \$91 for processing the application and issuance of the pharmacy technician registration as authorized by the Act, §568.005. Effective October 1, 2015, the fee for biennial renewal shall be \$72 for processing the application and issuance of the pharmacy technician registration as authorized by the Act, §568.005. In addition, the following fees shall be collected:~~

~~—(A) \$3 surcharge to fund TexasOnline as authorized by Chapter 2054, Subchapter I, Government Code; and~~

41 ~~—(B) \$2 surcharge to fund the Office of Patient Protection as authorized by Chapter 101,~~
42 ~~Subchapter G, Occupations Code.]~~

43 (c) Duplicate or Amended Certificates. The fee for issuance of a duplicate or amended
44 pharmacy technician trainee registration certificate or pharmacy technician registration renewal
45 certificate shall be \$20.