

RULE ANALYSIS

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

Short Title: Registration Requirements

Rule Numbers: §§297.3, 297.10

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, eliminate the provisions allowing individuals who are unable to obtain a social security number, to provide an individual taxpayer identification number in lieu of a social security number because a social security number is required in order to process criminal background checks.

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

4
5 **§297.3 Registration Requirements**
6

7 (a) General.

8
9 (1) Individuals who are not registered with the Board may not be employed as or perform the
10 duties of a pharmacy technician or pharmacy technician trainee.

11
12 (2) Individuals who have previously applied and registered as a pharmacy technician,
13 regardless of the pharmacy technician's current registration status, may not register as a
14 pharmacy technician trainee.

15
16 (3) Individuals who apply and are qualified for both a pharmacy technician trainee registration
17 and a pharmacy technician registration concurrently will not be considered for a pharmacy
18 technician trainee registration.

19
20 (b) Registration for pharmacy technician trainees. An individual may register as a pharmacy
21 technician trainee only once and the registration may not be renewed.

22
23 (1) Each applicant for pharmacy technician trainee registration shall:

24
25 (A) have a high school or equivalent diploma (e.g., GED), or be working to achieve a high
26 school or equivalent diploma. For the purposes of this subparagraph, an applicant for
27 registration may be working to achieve a high school or equivalent diploma for no more than two
28 years;

29
30 (B) complete the Texas application for registration that includes the following information:

31
32 (i) name;

33
34 (ii) addresses, phone numbers, date of birth, and social security number; ~~[however, if an~~
35 ~~individual is unable to obtain a social security number, an individual taxpayer identification~~
36 ~~number may be provided in lieu of a social security number along with documentation indicating~~
37 ~~why the individual is unable to obtain a social security number;]~~ and

38
39 (iii) any other information requested on the application.

40
41 (C) meet all requirements necessary in order for the Board to access the criminal history
42 record information, including submitting fingerprint information and paying the required fees.

43
44 (2) Once an applicant has successfully completed all requirements of registration, and the
45 board has determined there are no grounds to refuse registration, the applicant will be notified
46 of registration as a pharmacy technician trainee and of his or her pharmacy technician trainee
47 registration number.

48
49 (3) Pharmacy technician trainee registrations expire two years from the date of registration or
50 upon issuance of registration as a registered pharmacy technician, whichever is earlier.

52 (c) Initial registration for pharmacy technicians.

53
54 (1) Each applicant for pharmacy technician registration shall:

55
56 (A) have a high school or equivalent diploma (e.g., GED), or be working to achieve a high
57 school or equivalent diploma. For the purpose of this clause, an applicant for registration may
58 be working to achieve a high school or equivalent diploma for no more than two years; and

59
60 (B) either have:

61
62 (i) taken and passed the Pharmacy Technician Certification Board's National Pharmacy
63 Technician Certification Examination or other examination approved by the board and have a
64 current certification certificate; or

65
66 (ii) been granted an exemption from certification by the board as specified in §297.7 of this
67 title (relating to Exemption from Pharmacy Technician Certification Requirements); and

68
69 (C) complete the Texas application for registration that includes the following information:

70
71 (i) name;

72
73 (ii) addresses, phone numbers, date of birth, and social security number; [~~however, if an~~
74 ~~individual is unable to obtain a social security number, an individual taxpayer identification~~
75 ~~number may be provided in lieu of a social security number along with documentation indicating~~
76 ~~why the individual is unable to obtain a social security number;~~] and

77
78 (iii) any other information requested on the application.

79
80 (D) meet all requirements necessary in order for the Board to access the criminal history
81 record information, including submitting fingerprint information and paying the required fees; and

82
83 (E) pay the registration fee specified in §297.4 of this title (relating to Fees).

84
85 (2) Once an applicant has successfully completed all requirements of registration, and the
86 board has determined there are no grounds to refuse registration, the applicant will be notified
87 of registration as a registered pharmacy technician and of his or her pharmacy technician
88 registration number. If the pharmacy technician applicant was registered as a pharmacy
89 technician trainee at the time the pharmacy technician registration issued, the pharmacy
90 technician trainee registration expires.

91
92 (d) Renewal.

93
94 (1) All applicants for renewal of a pharmacy technician registration shall:

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96 (A) complete the Texas application for registration that includes the following information:

97
98 (i) name;

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100 (ii) addresses, phone numbers, date of birth, and social security number; [~~however, if an~~
101 ~~individual is unable to obtain a social security number, an individual taxpayer identification~~

102 number may be provided in lieu of a social security number along with documentation indicating
103 why the individual is unable to obtain a social security number;}

104
105 (iii) meet all requirements necessary in order for the Board to access the criminal history
106 record information, including submitting fingerprint information and being responsible for all
107 associated costs; and

108
109 (iv) any other information requested on the application.

110
111 (B) pay the renewal fee specified in §297.4 of this title; and

112
113 (C) complete 20 contact hours of continuing education per renewal period as specified in
114 §297.8 of this title (relating to Continuing Education).

115
116 (2) A pharmacy technician registration expires on the last day of the assigned expiration
117 month.

118
119 (3) If the completed application and renewal fee are not received in the board's office on or
120 before the last day of the assigned expiration month, the person's pharmacy technician
121 registration shall expire. A person shall not practice as a pharmacy technician with an expired
122 registration.

123
124 (4) If a pharmacy technician registration has expired, the person may renew the registration by
125 paying to the board the renewal fee and a delinquent fee that is equal to the renewal fee as
126 specified in §297.4 of this title.

127
128 (5) If a pharmacy technician registration has expired for more than one year, the pharmacy
129 technician may not renew the registration and must complete the requirements for initial
130 registration as specified in subsection (c) of this section.

131
132 (6) After review, the board may determine that paragraph (5) of this subsection does not apply
133 if the registrant is the subject of a pending investigation or disciplinary action.

134
135 (e) An individual may use the title "Registered Pharmacy Technician" or "Ph.T.R." if the
136 individual is registered as a pharmacy technician in this state.

137
138 **§297.10 Registration for Military Spouses**

139
140 (a) Alternative registration procedure. For the purpose of §55.004, Occupations Code, an
141 applicant for a pharmacy technician registration who is the spouse of a person serving on active
142 duty as a member of the armed forces of the United States may complete the following
143 alternative procedures for registering as a pharmacy technician.

144
145 (1) An applicant who holds a current registration as a pharmacy technician issued by another
146 state but does not have a current PTCB certificate shall meet the requirements for registration
147 as a pharmacy technician trainee as specified in §297.3 of this chapter (relating to Registration
148 Requirements).

149
150 (2) An applicant who held a pharmacy technician registration in Texas that expired within the
151 five years preceding the application date and the registration expired while the applicant lived in

152 another state for at least six months who meets the following requirements may be granted a
153 pharmacy technician registration. The applicant:

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155 (A) shall complete the Texas application for registration that includes the following:

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157 (i) name;

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159 (ii) addresses, phone numbers, date of birth, and social security number; ~~[however, if an~~
160 ~~individual is unable to obtain a social security number, an individual taxpayer identification~~
161 ~~number may be provided in lieu of a social security number along with documentation indicating~~
162 ~~why the individual is unable to obtain a social security number;]~~ and

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164 (iii) any other information requested on the application;

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166 (B) shall provide documentation that the applicant is the spouse of a member of the armed
167 forces of the United States to include:

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169 (i) marriage certificate; and

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171 (ii) military identification indicating that the:

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173 (I) applicant is a military dependent; and

174

175 (II) applicant's spouse is on active duty status;

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177 (C) shall pay the registration fee set out in §297.4 of this title;

178

179 (D) shall meet all necessary requirements in order for the board to access the criminal history
180 records information, including submitting fingerprint information and such criminal history check
181 does not reveal any charge or conviction for a crime that §281.64 of this title (relating to
182 Sanctions for Criminal Offenses) indicates a sanction of denial, revocation, or suspension; and

183

184 (E) is not required to have a current PTCB certificate.

185

186 (b) Expedited registration procedure. For the purpose of §55.005, Occupations Code, an
187 applicant for a pharmacy technician registration who is the spouse of a person serving on active
188 duty as a member of the armed forces of the United States and who holds a current registration
189 as a pharmacy technician issued by another state may complete the following expedited
190 procedures for registering as a pharmacy technician.

191

192 (1) The applicant shall:

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194 (A) have a high school or equivalent diploma (e.g., GED), or be working to achieve a high
195 school or equivalent diploma. For the purpose of this clause, an applicant for registration may
196 be working to achieve a high school or equivalent diploma for no more than two years; and

197

198 (B) have taken and passed the Pharmacy Technician Certification Board's National Pharmacy
199 Technician Certification Examination or other examination approved by the board and have a
200 current certification certificate; and

201

202 (C) complete the Texas application for registration that includes the following information:

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(i) name;

(ii) addresses, phone numbers, date of birth, and social security number; ~~[however, if an individual is unable to obtain a social security number, an individual taxpayer identification number may be provided in lieu of a social security number along with documentation indicating why the individual is unable to obtain a social security number;]~~ and

(iii) any other information requested on the application.

(D) meet all requirements necessary in order for the Board to access the criminal history record information, including submitting fingerprint information and paying the required fees; and

(E) pay the registration fee as specified in §297.4 of this title (relating to Fees).

(2) Once an applicant has successfully completed all requirements of registration, and the board has determined there are no grounds to refuse registration, the applicant will be notified of registration as a registered pharmacy technician and of his or her pharmacy technician registration number.

(3) All applicants for renewal of an expedited pharmacy technician registration issued to a military spouse shall comply with the renewal procedures as specified in §297.3 of this title (relating to Registration Requirements).