

## RULE ANALYSIS

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

**Short Title:** Emergency Temporary License

**Rule Numbers:** §295.6

**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, implement provisions of HB 746 regarding volunteer registry.

**The Board reviewed and voted to propose the amendments during the February 3, 2015, meeting. The proposed amendments were published in the March 27, 2015, issue of the Texas Register at 40 TexReg 1803.**

1 **CHAPTER 295. PHARMACISTS**

2 **22 TAC §295.6**

3 The Texas State Board of Pharmacy proposes amendments to §295.6 concerning Emergency  
4 Temporary Pharmacist License. The amendments, if adopted, implement provisions of House  
5 Bill (HB) 746, passed by the 83rd Texas Legislature, regarding volunteer registry.

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 no fiscal implications for state or local government as a  
8 result of enforcing or administering the rule.

9 Ms. Dodson has determined that, for each year of the first five-year period the rule will be in  
10 effect, the public benefit anticipated as a result of enforcing the amendment will be to ensure  
11 provisions of HB 746 are implemented regarding volunteer registry. There is no fiscal impact for  
12 individuals, small or large businesses, or to other entities which are required to comply with this  
13 section.

14 Comments on the amendments may be submitted to Allison Benz, R.Ph., M.S., Director of  
15 Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite 3-600,  
16 Austin, Texas 78701, FAX (512) 305-8008. Comments must be received by 5:00 p.m., April 30,  
17 2015.

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 ***§295.6. Emergency Temporary Pharmacist License.***

26 (a) Definitions. The following words and terms, when used in this chapter, shall have the  
27 following meanings, unless the context clearly indicates otherwise.

28 (1) Emergency situation--an emergency caused by a natural or manmade disaster or any other  
29 exceptional situation that causes an extraordinary demand for pharmacist services.

30 ~~[(2) Sponsoring pharmacy--a pharmacy licensed by the Board in which the emergency temporary  
31 pharmacist will practice.]~~

32 (2) ~~[(3)]~~ State--One of the 50 United States of America, the District of Columbia, and Puerto  
33 Rico.

34 (b) Emergency Temporary Pharmacist license. In an emergency situation, the board may grant a  
35 pharmacist who holds a license to practice pharmacy in another state an emergency temporary  
36 pharmacist license to practice in Texas. The following is applicable for the emergency temporary  
37 pharmacist license.

38 (1) An applicant for an emergency temporary pharmacist license under this section must[;]

39 ~~[(A)]~~ hold a current pharmacist license in another state and that license and other licenses held by  
40 the applicant in any other state may not be suspended, revoked, canceled, surrendered, or  
41 otherwise restricted for any reason.~~[; and]~~

42 ~~[(B) be sponsored by a pharmacy with an active license in Texas.]~~

43 (2) To qualify for an emergency temporary pharmacist license, the applicant must submit an  
44 application including the following information:

45 (A) name, address, and phone number of the applicant; and

46 ~~[(B) name and license number of the pharmacist in charge of the sponsoring pharmacy;]~~

47 ~~[(C) name and license number of the sponsoring pharmacy; and]~~

48 (B) ~~[(D)]~~ any other information the required by the board.

49 (3) An emergency temporary pharmacist license shall be valid for a period as determined by the  
50 board not to exceed six months. The executive director of the board, in his/her discretion, may  
51 renew the license for an additional six months, if the emergency situation still exists.

52 ~~[(4) The board will notify the sponsoring pharmacy of the approval of an emergency temporary  
53 pharmacist license.]~~

54 (c) Exception. This section is not applicable to pharmacists enrolled in a volunteer health registry  
55 maintained by the Texas Department of State Health Services.

56 ~~[(e) Limitations on practice. A holder of an emergency temporary pharmacist license:]~~

57 ~~[(1) may only practice in the sponsoring pharmacy; and]~~

58 ~~[(2) must notify the board in writing, prior to beginning employment in another sponsoring  
59 pharmacy.]~~

60 The agency certifies that legal counsel has reviewed the proposal and found it to be within the  
61 state agency's legal authority to adopt.

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