

RULE ANALYSIS

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

Short Title: Registration Requirements

Rule Numbers: §283.12

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 283 LICENSING REQUIREMENTS FOR PHARMACISTS**

4
5 **§283.12 Licenses for Military Spouses**
6

7 (a) Alternative licensing procedure. For the purpose of §55.004, Occupations Code, an applicant
8 for a pharmacist's license who is the spouse of a person serving on active duty as a member of
9 the armed forces of the United States may complete the following alternative procedures for
10 licensing as a pharmacist.

11
12 (1) Requirements for licensing by reciprocity. An applicant for licensing by reciprocity who
13 meets all of the following requirements may be granted a temporary license as specified in
14 subsection (b) of this section prior to completing the NABP application for pharmacist license by
15 reciprocity, and taking and passing the Texas Pharmacy Jurisprudence Examination. The
16 applicant shall:

17
18 (A) complete the Texas application for pharmacist license by reciprocity that includes the
19 following:

20
21 (i) name;

22
23 (ii) addresses, phone numbers, date of birth, and social security number; ~~[however, if an~~
24 ~~individual is unable to obtain a social security number, an individual taxpayer identification~~
25 ~~number may be provided in lieu of a social security number along with documentation indicating~~
26 ~~why the individual is unable to obtain a social security number;]~~ and

27
28 (iii) any other information requested on the application;

29
30 (B) meet the educational and age requirements as set forth in §283.3 of this title (relating to
31 Educational and Age Requirements);

32
33 (C) present to the board proof of initial licensing by examination and proof that any current
34 licenses and any other licenses granted to the applicant by any other state have not been
35 suspended, revoked, canceled, surrendered, or otherwise restricted for any reason;

36
37 (D) meet all requirements necessary for the board to access the criminal history records
38 information, including submitting fingerprint information and such criminal history check does not
39 reveal any disposition for a crime that board rule §281.64 of this title (relating to Sanctions for
40 Criminal Offenses) indicates a sanction of denial, revocation, or suspension;

41
42 (E) pay the licensing fee set out in §283.9 of this title (relating to Fee Requirements for
43 Licensure by Examination, Score Transfer and Reciprocity); and

44
45 (F) provide documentation that the applicant is the spouse of a member of the armed forces
46 of the United States to include:

47
48 (i) marriage certificate; and

49
50 (ii) military identification indicating that the:
51

52 (I) applicant is a military dependent; and

53
54 (II) applicant's spouse is on active duty status.

55
56 (2) Requirements for an applicant whose Texas pharmacist's license has expired. An applicant
57 whose Texas pharmacist's license has expired within five years preceding the application date
58 and while the applicant lived in another state for at least six months:

59
60 (A) shall complete the Texas application for licensing that includes the following:

61 (i) name;

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

66
67 (iii) any other information requested on the application;

68
69 (B) shall provide documentation that the applicant is the spouse of a person serving on active
70 duty as a member of the armed forces of the United States to include:

71 (i) marriage certificate; and

72 (ii) military identification;

73
74 (C) shall pay the renewal fee specified in §295.5 of this title (relating to Pharmacist License
75 Renewal Fees);

76
77 (D) shall complete approved continuing education requirements according to the following
78 schedule:

79 (i) if the Texas pharmacist license has been expired for more than one year but less than
80 two years, the applicant shall complete 15 contact hours of approved continuing education;

81 (ii) if the Texas pharmacist license has been expired for more than two years but less than
82 three years, the applicant shall complete 30 contact hours of approved continuing education; or

83 (iii) if the Texas pharmacist license has been expired for more than three years but less than
84 five years, the applicant shall complete 45 contact hours of approved continuing education; and

85
86 (E) is not required to take the Texas Pharmacy Jurisprudence Examination.

87
88 (3) A temporary license issued under this section is valid for no more than six months and may
89 be extended, if disciplinary action is pending, or upon request, as otherwise determined
90 reasonably necessary by the executive director of the board.

91
92 (4) A temporary license issued under this section expires within six months of issuance if the
93 individual fails to pass the Texas Pharmacy Jurisprudence Examination within six months or
94 fails to take the Texas Pharmacy Jurisprudence Examination within six months.

103 (5) An individual may not serve as pharmacist-in-charge of a pharmacy with a temporary
104 license issued under this subsection.

105
106 (b) Expedited licensing procedure. For the purpose of §55.005, Occupations Code, an applicant
107 for a pharmacist license who is the spouse of a person serving on active duty as a member of
108 the armed forces of the United States and who holds a current license as a pharmacist issued
109 by another state may complete the following expedited procedures for licensing as a
110 pharmacist. The applicant shall:

111
112 (1) meet the educational and age requirements specified in §283.3 of this title (relating to
113 Educational and Age Requirements);

114
115 (2) meet all requirements necessary in order for the board to access the criminal history record
116 information, including submitting fingerprint information and being responsible for all associated
117 costs;

118
119 (3) complete the Texas and NABP applications for reciprocity. Any fraudulent statement made
120 in the application for reciprocity is grounds for denial of the application; if such application is
121 granted, any fraudulent statement is grounds for suspension, revocation, and/or cancellation of
122 any license so granted by the board. The Texas application includes the following information:

123
124 (A) name;

125
126 (B) addresses, phone numbers, date of birth, and social security number; ~~however, if an~~
127 ~~individual is unable to obtain a social security number, an individual taxpayer identification~~
128 ~~number may be provided in lieu of a social security number along with documentation indicating~~
129 ~~why the individual is unable to obtain a social security number;] and~~

130
131 (C) any other information requested on the application.

132
133 (4) shall present to the board proof of initial licensing by examination and proof that their
134 current license and any other license or licenses granted to the applicant by any other state
135 have not been suspended, revoked, canceled, surrendered, or otherwise restricted for any
136 reason; and

137
138 (5) shall pass the Texas Pharmacy Jurisprudence Examination with a minimum grade of 75.
139 (The passing grade may be used for the purpose of licensure by reciprocity for a period of two
140 years from the date of passing the examination.) Should the applicant fail to achieve a minimum
141 grade of 75 on the Texas Pharmacy Jurisprudence Examination, such applicant, in order to be
142 licensed, shall retake the Texas Pharmacy Jurisprudence Examination as specified in §283.11
143 of this title (relating to Examination Retake Requirements) until such time as a minimum grade
144 of 75 is achieved.