

RULE ANALYSIS

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

Short Title: Registration Requirements

Rule Numbers: §291.1

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 291 PHARMACIES**
4 **SUBCHAPTER A ALL CLASSES OF PHARMACIES**

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6 **§291.1. Pharmacy License Application.**
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9 (a) To qualify for a pharmacy license, the applicant must submit an application including the
10 following information:

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12 (1) name and address of pharmacy;

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14 (2) type of ownership;

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16 (3) names, addresses, phone numbers, dates of birth, copies of social security cards or other
17 official documents showing the social security numbers as approved by the board, and copies of
18 current driver's licenses, state issued photo identification cards, or passports of all owners, or of
19 all managing officers if the pharmacy is owned by a partnership or corporation~~[- If an individual~~
20 ~~is unable to obtain a social security number, an individual taxpayer identification number may be~~
21 ~~provided in lieu of a social security number along with documentation indicating why the~~
22 ~~individual is unable to obtain a social security number];~~

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24 (4) name and license number of the pharmacist-in-charge;

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26 (5) name(s) and license number(s) of other pharmacists employed by the pharmacy;

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28 (6) anticipated date of opening and hours of operation;

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30 (7) copy of lease agreement or if the location of the pharmacy is owned by the applicant, a
31 notarized statement certifying such location ownership;

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33 (8) the signature of the pharmacist-in-charge;

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35 (9) the notarized signature of the owner, or if the pharmacy is owned by a partnership or
36 corporation, the notarized signature of an owner or managing officer;

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38 (10) federal tax ID number of the owner;

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40 (11) description of business services that will be offered;

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42 (12) name and address of malpractice insurance carrier or statement that the business will be
43 self-insured;

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45 (13) documents from a primary wholesaler showing credit worthiness or other documents
46 showing credit worthiness as approved by the board;

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48 (14) official copy of the business formation documents filed with the Secretary of State;

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50 (15) current certificate of Good Standing for the business structure from the state where the
51 business structure is located; and

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(16) any other information requested on the application.

(b) The applicant may be required to meet all requirements necessary in order for the Board to access the criminal history record information, including submitting fingerprint information and being responsible for all associated costs. The criminal history information may be required for each individual owner, or if the pharmacy is owned by a partnership or a closely held corporation for each managing officer.

(c) A fee as specified in §291.6 of this title (relating to Pharmacy License Fees) will be charged for the issuance of a pharmacy license.

(d) For purpose of this section, managing officers are defined as the top four executive officers, including the corporate officer in charge of pharmacy operations, who are designated by the partnership or corporation to be jointly responsible for the legal operation of the pharmacy.

(e) Prior to the issuance of a license for a pharmacy located in Texas, the board shall conduct an on-site inspection of the pharmacy in the presence of the pharmacist-in-charge and owner or representative of the owner, to ensure that the pharmacist-in-charge and owner can meet the requirements of the Texas Pharmacy Act and Board Rules.

(f) If the applicant holds an active pharmacy license in Texas on the date of application for a new pharmacy license or for other good cause shown as specified by the board, the board may waive the pre-inspection as set forth in subsection (e) of this section.