RULE ANALYSIS

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

Short Title: Limited Prescription Delivery Pharmacy (Class H).

Rule Number: §291.155

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 repeal, if adopted, repeal rules for a class of pharmacy that no longer exists.

The Board reviewed and voted to propose the repeal of §291.155 during the February 4, 2020 meeting. The proposed repeal was published in the April 3, 2020, issue of the *Texas Register* at 45 TexReg 2301.

TITLE 22. EXAMINING BOARDS
PART 15. TEXAS STATE BOARD OF PHARMACY
CHAPTER 291. PHARMACIES

SUBCHAPTER H. OTHER CLASSES OF PHARMACY

§291.155.   Limited Prescription Delivery Pharmacy (Class H).

The Texas State Board of Pharmacy proposes the repeal of §291.155, concerning Limited Prescription Delivery Pharmacy (Class H). The proposed repeal of §291.155 provides for a more organized subchapter by removing the rules for a class of pharmacy that no longer exists.

Allison Vordenbaumen Benz, R.Ph., M.S., Executive Director/Secretary, has determined that, for the first five-year period the repeal is in effect, there will be no fiscal implications for state or local government as a result of repealing the rule. Ms. Benz has determined that, for each year of the first five-year period the repeal is in effect, the public benefit anticipated as a result of the repeal will be to improve the organization of the agency's regulations. There is no anticipated adverse economic impact on large, small or micro-businesses (pharmacies), rural communities, or local or state employment. Therefore, an economic impact statement and regulatory flexibility analysis are not required.

For each year of the first five years the proposed repeal will be in effect, Ms. Benz has determined the following:

(1) The proposed repeal does not create or eliminate a government program;

(2) Implementation of the proposed repeal does not require the creation of new employee positions or the elimination of existing employee positions;

(3) Implementation of the proposed repeal does not require an increase or decrease in the future legislative appropriations to the agency;

(4) The proposed repeal does not require an increase or decrease in fees paid to the agency;

(5) The proposed repeal does not create a new regulation;

(6) The proposed repeal does limit an existing regulation by eliminating a class of pharmacy and its requirements;

(7) The proposed repeal does not increase or decrease the number of individuals subject to the rule's applicability because there are no longer any Class H pharmacies; and

(8) The proposed repeal does not positively or adversely affect this state's economy.

Written comments on the proposed repeal may be submitted to Megan G. Holloway, Assistant General Counsel, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite 3-500, Austin, Texas, 78701, FAX (512) 305-8061. Comments must be received by 5:00 p.m., May 4, 2020.

April 6, 2020

34   The repeal is proposed under §551.002 and §554.051 of the Texas Pharmacy Act (Chapters
35   551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency
36   to protect the public through the effective control and regulation of the practice of pharmacy.
37   The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper
38   administration and enforcement of the Act.

39   The statutes affected by the proposed repeal: Texas Pharmacy Act, Chapters 551 - 569, Texas
40   Occupations Code.

41   *§291.155.Limited Prescription Delivery Pharmacy (Class H).*

42   *Repealed.*