

RULE ANALYSIS

Introduction: THE AMENDMENTS ARE SUBMITTED TO THE BOARD FOR CONSIDERATION AS ADOPTED RULES

Short Title: Pharmacist Certification Programs

Rule Numbers: §295.12

Statutory Authority: Texas Pharmacy Act, Chapter 551-566 and 568-569, 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, will update and clarify the requirements for the recognition and approval of pharmacist certification programs.

The Board reviewed and voted to propose the amendments during the August 6, 2013, meeting. The proposed amendments were published in the September 27, 2013, issue of the *Texas Register* at 38 TexReg 6533.

1 **CHAPTER 295. PHARMACISTS**
2 **§295.12**

3 The Texas State Board of Pharmacy proposes amendments to §295.12, concerning Pharmacist
4 Certification Programs. The proposed amendments to §295.12, if adopted, will update and clarify
5 the requirements for the recognition and approval of pharmacist certification programs.

6 Gay Dodson, R.Ph., Executive Director/Secretary, has determined that, for the first five-year
7 period the amended rule is in effect, there will be no fiscal implications for state or local
8 government as a result of enforcing or administering the rule.

9 Ms. Dodson has determined that, for each year of the first five-year period the amended rule will
10 be in effect, the public benefit anticipated as a result of enforcing the rule will be to update and
11 clarify the requirements of pharmacist certification programs. 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 proposed amendments may be submitted to Allison Benz, R.Ph., M.S.,
15 Director of Professional Services, Texas State Board of Pharmacy, 333 Guadalupe Street, Suite
16 3-600, Austin, Texas 78701, fax (512) 305-8008. Comments must be received by 5:00 p.m.,
17 October 31, 2013.

18 The amendments are proposed under §551.002 and §554.051 of the Texas Pharmacy Act
19 (Chapters 551 - 566, 568 and 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 the amendments: Texas Pharmacy Act, Chapters 551 - 566, 568 and 569,
24 Texas Occupations Code.

25 **§295.12. Pharmacist Certification Programs.**

26 (a) Purpose. The purpose of this section is to provide standards for the recognition and approval
27 of pharmacist certification programs as authorized by §554.0021, Occupations Code.

28 (b) Definitions. The following words and terms, when used in this section, shall have the
29 following meanings, unless the context clearly indicates otherwise.

30 (1) ACPE--The Accreditation Council for Pharmacy Education [~~American Council on~~
31 ~~Pharmaceutical Education~~].

32 (2) Approved Provider of Pharmacist Certificate Programs--An individual, institution,
33 organization, association, corporation, or agency that is approved by the board and recognized by
34 ACPE in accordance with its policy and procedures, as having:

35 (A) met criteria indicative of the ability to provide quality continuing education programs; and

36 (B) met the procedures outlines in the ACPE "Guidance Document for Practice Based
37 Activities." [~~ACPE "Standards and Quality Assurance Procedures for ACPE-Approved Providers~~
38 ~~of Continuing Pharmaceutical Education Offering Certificate Programs in Pharmacy."~~]

39 (3) Board--The Texas State Board of Pharmacy.

40 [~~(4) Disease State Management (DSM) Exam--A Disease State Management Examination~~
41 ~~offered by the National Association of Boards of Pharmacy.~~]

42 (c) Recognized Certification Programs [~~Board-Certified Pharmacists~~].

43 (1) The board [~~Texas State Board of Pharmacy~~] shall recognize as certified, any pharmacist that
44 successfully completes:

45 (A) any program offered by an [~~a~~] approved provider of pharmacist certificate programs;

46 [~~(B) any Disease State Management Examination offered by the National Association of Boards~~
47 ~~of Pharmacy;~~]

48 (B) [~~(C)~~] any program that meets the requirements of §295.15 of this title (relating to
49 Administration of Immunizations or Vaccinations by a Pharmacist under Written Protocol of a
50 Physician);

51 (C) [~~(D)~~] any certification offered by the:

52 (i) Board of Pharmaceutical Specialties [~~Specialities~~];

53 (ii) American Society of Consultant Pharmacists;

54 (iii) American Board of Clinical Pharmacology;

55 (iv) American Board of Applied Toxicology; and

56 (v) American Academy of Pain Management; or[-]

57 (D) [~~(E)~~] any additional certifications as published on the board's website [~~approved by the board~~
58 ~~and published in the minutes of the board~~].

59 (2) Texas pharmacists may not identify themselves as [~~board~~] certified unless they have
60 completed one of the programs specified in paragraph (1) of this subsection.

Sec. 554.0021. RECOGNITION AND APPROVAL OF PHARMACIST CERTIFICATION PROGRAMS. (a) The board shall determine and issue standards for recognizing and approving pharmacist certification programs.

(b) In adopting standards under Subsection (a), the board shall include a requirement that a pharmacist may not use the designation "board certified" unless the pharmacist has successfully completed a certification program that meets the board's standards.

Added by Acts 2001, 77th Leg., ch. 1420, Sec. 14.301(c), eff. Sept. 1, 2001.

Sec. 554.003. PROCEDURES. The board by rule shall specify:

(1) the licensing procedures to be followed, including specification of forms to be used, in applying for a pharmacy license; and

(2) fees for filing an application for a pharmacy license.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 554.004. ADMINISTRATION OF MEDICATION. (a) The board shall specify conditions under which a pharmacist may administer medication, including an immunization and vaccination. The conditions must ensure that:

(1) a licensed health care provider authorized to administer the medication is not reasonably available to administer the medication;

(2) failure to administer the medication, other than an immunization or vaccination, might result in a significant delay or interruption of a critical phase of drug therapy;

(3) the pharmacist possesses the necessary skill, education, and certification as specified by the board to administer the medication;

(4) within a reasonable time after administering medication, the pharmacist notifies the licensed health care provider responsible for the patient's care that the medication was