

Completed

Action Item

TAB 32

Action Chart for Implementation of Legislation Passed by the 2013 Texas Legislature Session				
Bill Number	Summary of the Provisions of the Bill	Effective Date	Internal Deadline	Action/Status
SB 1	<p>Appropriations Act</p> <p>The base appropriation for TSBP for FY2014-2015 is approximately the same as the base appropriation the previous biennium. In addition to the base, the agency received a Contingent Revenue rider that appropriated an additional \$2,651,410 and 12 additional FTEs provided the agency increase fees sufficient to generate an additional \$2,651,410 in revenue. In addition due to the passage of SB 500, the agency is also appropriated an additional \$27,440 and required to increase revenue for this amount. The total required increase in revenue is \$2,651,410 + \$27,440 = \$2,678,850. To access this additional revenue, the agency must:</p> <ol style="list-style-type: none"> 1. adopt rules to increase fees in an amount sufficient to generate an the additional revenue; and 2. submit documentation to the Comptroller's office showing that the increase in fees will generate the required additional revenue and receive a release of the funds from the Comptroller's office. 	9/1/2013		<ol style="list-style-type: none"> 1. Draft language to increase fees will be presented to the Board at the August 6, 2013, meeting. 2. The rules were published in the October 16, 2013 issue of the Texas Register. 3. The Board adopted the rules at the November 4, 2013, meeting. The rules were published in the December 6 issue of the Texas Register and they became effective on January 1, 2014. 4. Documentation containing information on the increase in fees and the revenue the increase will generate was submitted to the Comptroller's office in August 2013. We are awaiting approval of the agency's plan and release of the funds from the comptroller's office. 5. The Comptroller's office released the funds for agency use in January 2014.
HB 12	<p>Relating to gifts made to a state agency for a state employee salary supplement</p> <p>This bill requires agencies to post on the agency Website the following information:</p> <ol style="list-style-type: none"> 1. Number of FTEs; 2. Amount of appropriations for each year of the biennium; 3. the agency's methodology for determining the compensation of executive staff; 4. whether executive staff is eligible for a salary supplement; 5. the market average for compensation of similar executive staff in the private and public sectors; 6. the average compensation paid to non-executive staff; and 7. for each FY of the 5 preceding FY, the % increase in: <ol style="list-style-type: none"> a. compensation of executive staff for each fiscal year of the 5preceding fiscal years; and b. legislative appropriations to the agency. 	6/14/2013	12/31/2013	<ol style="list-style-type: none"> 1. Post the information listed in the bill on the agency website by 12/31/2013. 2. The information was posted on the Agency Web site in December 2013.

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HB 746	<p>Relating to allowing health care providers to provide services across state lines in catastrophic circumstances. This bill allows volunteer healthcare providers during an emergency to register with the emergency management division and practice without a license from the state. It sets out numerous requirements for the registration system and other provisions.</p> <p>The Department of State Health Services' Texas Division of Emergency Management will administer the system and will:</p> <ol style="list-style-type: none"> 1. accept applications for the registration of volunteer health practitioners before or during an emergency; 2. include information about the licensing and good standing of health practitioners that is accessible by authorized persons; 3. be capable of confirming whether a health practitioner is licensed and in good standing before health or veterinary services are provided; and 4. include information regarding the results of a criminal history record information check performed on the volunteer health practitioners listed in the system. <p>A state Agency that grants a license to a health practitioner must coordinate with the department to provide licensing or criminal history record information for volunteer health practitioners seeking registration.</p>	9/1/2013	8.31/2014	<p>Cooperate with and provide information as requested to the Department of State Health Services as requested.</p> <ol style="list-style-type: none"> 1. TSBP has been contacted by the DSHS about the agency performing background checks on individuals registering with the voluntary registry. We are working with them to provide the appropriate information.
SB 162	<p>Relating to the occupational licensing of members of the military and spouses of members of the military.</p> <p>The bill specifies that a state agency that issues a license shall, <i>"as soon as practicable after a military member or spouse files an application for a license:"</i></p> <ol style="list-style-type: none"> 1. process the application; and 2. issue a license to a qualified applicant who holds a current license issued by another state that has licensing requirements equivalent to the requirements in this state. <p>The bill also specifies that a license issued may not be a provisional license. Rules to implement the legislation must be adopted by 1/1/14.</p>	5/18/2013	1/1/2014	<ol style="list-style-type: none"> 1. Draft language to implement the provisions of this bill will be presented to the Board at the August 6, 2013, meeting. 2. The rules were published in the October 16, 2013 issue of the Texas Register. 3. The Board adopted the rules at the November 4, 2013, meeting. The rules were published in the December 6 issue of the Texas Register and they became effective on December 10, 2013.
SB 316	<p>Relating to the certain opioid analgesic drugs.</p> <p>The bill requires:</p> <ol style="list-style-type: none"> 1. TSBP to develop a CE program on opioid drug abuse and the delivery, dispensing, and provision of tamper-resistant opioid drugs after considering input from interested persons; and 2. the Senate Health and Human Services Committee to conduct interim study regarding opioid abuse and the provision of tamper-resistant opioids. 	6/14/2013	2/28/2014	<ol style="list-style-type: none"> 1. On October 30, 2013, the ED has met with a manufacturer of opioid analgesic drugs (including tamper-resistant products) to discuss the development of the CE program. 2. The information is posted on the TSBP Website under the link "Abuse and Misuse of Prescription Drugs."

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SB 404	<p>Relating to complaints filed with the Texas State Board of Pharmacy.</p> <p>This bill will:</p> <ol style="list-style-type: none"> 1. Prohibit the Board from considering or acting on a complaint if the violation occurred more than 7-years before the date of the complaint. 2. Allow the Board to: <ol style="list-style-type: none"> a. Issue a remedial <i>plan</i> to resolve a complaint. b. Assess a fee against a license holder participating in a remedial plan in an amount necessary to recover the costs of administering the plan. <p>The bill specifies that a remedial plan may not be imposed to resolve a complaint:</p> <ol style="list-style-type: none"> a. Concerning: <ul style="list-style-type: none"> • A death; or • A hospitalization; b. Involving: <ul style="list-style-type: none"> • the commission of a felony; or • a matter designated by board rule in which the appropriate resolution may involve a restriction on the manner in which a license holder practices pharmacy. <p>The bill also amends the language regarding informal conferences to require:</p> <ol style="list-style-type: none"> a. the Board to notify a licensee of an informal conference 45-days prior to the informal conference; and b. require the licensee to submit a written rebuttal no later than 15-days before the informal conference. 	9/1/2013	1/1/2014	<ol style="list-style-type: none"> 1. Draft language to implement the provisions of this bill was presented to the Board at the August 6, 2013, meeting. 2. The rules were published in the October 16, 2013 issue of the Texas Register. 3. The Board adopted the rules at the November 4, 2013, meeting. The rules were published in the December 6 issue of the Texas Register and they became effective on December 10, 2013.
SB 406	<p>Relating to the delegation and supervision of prescriptive authority by physicians to certain advanced practice registered nurses and physician assistants.</p>	11/1/2013	Throughout FY2014	<ol style="list-style-type: none"> 1. Educate pharmacists regarding the provisions of this Act. 2. Draft language to include the provisions of this bill in Board rules was approved by the Board at the May 6, 2014, meeting. 3. The proposed rules were published in the June 13, 2014, issue of the Texas Register. 3. The Board will consider the rules for final adoption at the August 5, 2014, meeting. 4. The Board adopted the rules at the August 5, 2014, meeting. The rules were published in the September 5, 2014, issue of the Texas Register and they became effective on September 11, 2014.

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SB 500	<p>Relating to the composition of the Texas State Board of Pharmacy.</p> <p>This bill increases the size of the Board of Pharmacy from 9 to 11 by adding a pharmacy technician and a pharmacist to the Board. The resulting composition of the Board will be:</p> <ul style="list-style-type: none"> • 7 Pharmacists; • 3 Public Members; and • 1 Pharmacy Technician. <p>As soon as possible after 9/1/2013, the Governor must appoint a pharmacy technician to serve a 6-year term and a pharmacist to serve a 4-year term. By staggering the appointment terms of these new members the Board will not have 5-members' terms expire at one time.</p>	9/1/2013		<ol style="list-style-type: none"> 1. Cooperate with the Governor's office regarding the appointment of the two new members to the Board. 2. Conduct an orientation of the new Board members as soon as possible after their appointment. 3. On September 26, 2013, the Governor notified the Board of the following appointments: <ul style="list-style-type: none"> • Christopher Michael Dembny, R.Ph. for a term to expire August 31, 2017; and • Bradley Alan Miller, Ph.T.R to a term to expire August 31, 2019. 4. An orientation for Dembny and Miller was conducted on October 24-25, 2013.
SB 869	<p>Relating to the regulation of the practice of pharmacy.</p> <p>This bill makes numerous "clean up" amendments to the Pharmacy Act including:</p> <ol style="list-style-type: none"> 1. clarifying the portions of the act that apply to pharmacy technician trainees; 2. allowing the Board to receive gifts and grants; 3. allowing the Board to prohibit renewal of a pharmacist or pharmacy license if the pharmacist or pharmacy has had a license in another state suspended or revoked; 4. modifies the requirements for displaying pharmacist's licenses in a pharmacy; 5. adding TSBP to the list of agencies that can get nondisclosure records; 6. deleting the requirement that a pharmacist must notify the Dr. when substituting a dosage form; 7. allowing the Board to impose any of the sanctions listed in the act on a pharmacist intern; and 8. disclose information about an investigation to an "entity that administers a board-approved pharmacy technician certification examination." 	6/14/2013	Throughout FY2014 5/31/2014	<ol style="list-style-type: none"> 1. Educate pharmacists regarding the provisions of this Act. 2. Amend rules as necessary to reflect the provisions of SB 869 3. Draft language to implement the provisions of this bill relating to substitution of dosage forms was approved by the Board at the May 6, 2014, meeting. 4. The proposed rules were published I the June 13, 2014, issue of the Texas Register. 5. The Board will consider the proposed rules for final adoption at the August 6, 2014, meeting. 6. The Board adopted the rules at the August 5, 2014, meeting. The rules were published in the September 5, 2014, issue of the Texas Register and they became effective on September 11, 2014.

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SB 1100	<p>Relating to the licensing and inspection of certain out-of-state pharmacies by the Texas State Board of Pharmacy.</p> <p>This bill amends the Pharmacy Act to:</p> <ol style="list-style-type: none"> 1. give the Board of Pharmacy the authority to inspect an out-of-state sterile compounding pharmacy and require them to pay for the inspection; 2. Require an inspection prior to opening a sterile compounding pharmacy; 3. Specify a sterile compounding pharmacy may not renew unless it has been inspected as required by the board and the pharmacy has reimbursed the Board for the costs of the inspection; and 4. Allow TSBP to accept an inspection report issued by the licensing board in the home state of the pharmacy if: <ol style="list-style-type: none"> a. the board determines that the other state has comparable standards and regulations applicable to sterile compounding pharmacies, including standards and regulations related to health and safety; and b. the sterile compounding pharmacy provides to the board any requested documentation related to the inspection. 	9/1/2013	3/31/2014	<ol style="list-style-type: none"> 1. Draft language to implement the provisions of this bill was presented to the Board at the August 6, 2013, meeting. 2. The rules were published in the October 16, 2013 issue of the Texas Register. 3. The Board adopted the proposed rules at the November 4, 2013, meeting and the rules were published in the December 6 issue of the Texas Register and they became effective on December 10, 2013.
SB 1597	<p>Relating to the development of state agency information security plans.</p> <p>This bill requires all agencies to develop and periodically update an information security plan by 10/15/2014.</p>	9/1/2013	10/15/2014	<ol style="list-style-type: none"> 1. The Board of Pharmacy has joined with the Texas Medical Board and the Texas Board of Nursing to hire an individual to develop a security plan for all three agencies. The individual began employment on October 1. 2. TSBP, TMB, and TBON have asked for an extension to the deadline for filing the report.
SB 1643	<p>Relating to the monitoring of prescriptions for certain controlled substances.</p> <p>This bill makes changes to Controlled Substances Act to:</p> <ol style="list-style-type: none"> 1. amend the definition of a "hospital" in the to include a freestanding emergency medical facility 2. Amend the definition of a patient to include a person who is seeing a physician for the first time so that the physician can look up the potential patient's history in the PMP database; 3. Allow a pharmacy technician under the supervision of a pharmacist and a nurse to the list of individuals that can look up data on the PMP; 4. Allow an individual authorized to access the data to do so through a health information exchange; and 5. Specify that DPS must keep the data for 36-months rather than the current 12-months; and 	9/1/2013		<ol style="list-style-type: none"> 1. Educate pharmacists regarding the provisions of this Act. 2. The executive director will participate in the Interagency Prescription Monitoring Work Group. 3. The first meeting of the Interagency Prescription Monitoring Work Group was held on October 2, 2013. Allison Benz, R.Ph., Director of Professional Services attended the meeting for Executive Director Gay Dodson, R.Ph. Another meeting will be scheduled in the next few months. 4. The second meeting of the Work Group was held on April 28, 2014. 5. As of June 30, 2014, the next meeting of the Work Group has not been scheduled.

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	<p>7. create an interagency prescription monitoring work group composed of the director of DPS, commissioner of DSHS, and the executive directors of TMB and TSBP to improved effectiveness and efficiency of the program.</p> <p>The bill also amends the pain management clinic provisions in the Texas Medical Practices act to specify that:</p> <ol style="list-style-type: none"> 1. if an applicant for a pain management clinic certificate is under investigation for a violation, TMB may not issue a certificate until a final decision on the investigation is completed; and 2. TMB may temporarily suspend a pain management clinic certificate. 			<p>6. DPS has asked all members of the Committee to submit recommendations to be included in the final report of the Task Force. The Texas State Board of Pharmacy, Medical Board, and the Board of Nursing submitted joint recommendations on September 16, 2014.</p>
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