RULE ANALYSIS

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

Short Title: Continuing Education Requirements.

Rule Number: §297.8

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, establish an electronic continuing education tracking system in accordance with Senate Bill 912, update continuing education programs in preparation for the statutory continuing education tracking system, specify that record retention requirements apply to all required courses, and make grammatical corrections.

TITLE 22 EXAMINING BOARDS
PART 15 TEXAS STATE BOARD OF PHARMACY
CHAPTER 297 PHARMACY TECHNICIANS AND PHARMACY TECHNICIAN TRAINEES

§ 297.8. Continuing Education Requirements.

(a) Pharmacy **technician trainees**[~~Technician Trainees~~]. Pharmacy technician trainees are not required to complete continuing education.

(b) Pharmacy **technicians**[~~Technicians~~].

(1) All pharmacy technicians shall be exempt from the continuing education requirements during their initial registration period.

(2) All pharmacy technicians **shall**[~~must~~] complete and report 20 contact hours of approved continuing education **and any courses required under subsection (b)(4) of this section** obtained during the previous renewal period [~~in pharmacy related subjects~~] in order to renew their registration as a pharmacy technician. No more than 5 of the 20 **contact** hours may be earned at the pharmacy technician's workplace through in-service education and training under the direct supervision of the pharmacist(s).

(3) A pharmacy technician may satisfy the continuing education requirements by:

(A) successfully completing the number of continuing education hours necessary to renew a registration as specified in paragraph (2) of this subsection;

(B) successfully completing during the preceding license period, one credit hour for each year of the renewal period, in pharmacy related college course(s); or

(C) taking and passing a pharmacy technician certification examination approved by the board during the preceding renewal period, which shall be equivalent to the number of continuing education hours necessary to renew a registration as specified in paragraph (2) of this subsection.

(4) To renew a registration, a pharmacy technician **shall**[~~must~~] report on the renewal application completion of at least twenty contact hours of continuing education **and any courses required under this paragraph**. The following is applicable to the reporting of continuing education [~~contact hours~~]:

(A) at least one contact hour of the 20 contact hours specified in paragraph (2) of this subsection shall be related to Texas pharmacy laws or rules;

(B) any continuing education requirements which are imposed upon a pharmacy technician as a part of a board order or agreed board order shall be in addition to the requirements of this section; and

(C) a pharmacy technician **shall**[~~must~~] have completed the human trafficking prevention course required in §116.002 of the Texas Occupations Code.

(5) Pharmacy technicians are required to maintain records of completion of **approved** continuing education for three years from the date of reporting the **contact** hours **or course completion** on a renewal application. The records **shall**[~~must~~] contain at least the following information:

(A) name of participant;

(B) title and date of program;

(C) program sponsor or provider (the organization);

(D) number of hours awarded; and

(E) dated signature of sponsor representative.

(6) The board shall **use the continuing education tracking system described in subsection (c) of this section to** audit the records of pharmacy technicians for verification of reported continuing education **contact hours or course completion**[~~credit~~]. The following is applicable for such audits.

(A) Upon written request, a pharmacy technician shall provide to the board copies of the record required to be maintained in paragraph (5) of this subsection or certificates of completion for all continuing education contact hours **and course completions** reported during a specified registration period. Failure to provide all requested records by the specified deadline constitutes prima facie evidence of a violation of this rule.

(B) Credit for continuing education contact hours **or course completion** shall only be allowed for **approved** programs **or required courses** for which the pharmacy technician submits copies of records reflecting that the hours **or courses** were completed during the specified registration period(s). Any other reported hours **or course completion** shall be disallowed.

(C) A pharmacy technician who submits false or fraudulent records to the board shall be subject to disciplinary action by the board.

(7) The following is applicable if a pharmacy technician fails to report completion of the required continuing education.

(A) The registration of a pharmacy technician who fails to report completion of the required number of continuing education contact hours **or any courses required under paragraph (4) of this subsection** shall not be renewed and the pharmacy technician shall not be issued a renewal certificate for the license period until such time as the pharmacy technician successfully completes the required continuing education and reports the completion to the board.

(B) A person shall not practice as a pharmacy technician without a current renewal certificate.

(8) A pharmacy technician who has had a physical disability, illness, or other extenuating circumstances which prohibits the pharmacy technician from obtaining continuing education credit during the preceding license period may be granted an extension of time to complete the continued education requirement. The following is applicable for this extension:

(A) The pharmacy technician shall submit a petition to the board with his/her registration renewal application which contains:

(i) the name, address, and registration number of the pharmacy technician;

(ii) a statement of the reason for the request for extension;

(iii) if the reason for the request for extension is health related, a statement from the attending physician(s) treating the pharmacy technician which includes the nature of the physical disability or illness and the dates the pharmacy technician was incapacitated; and

(iv) if the reason for the request for the extension is for other extenuating circumstances, a detailed explanation of the extenuating circumstances and if because of military deployment, documentation of the dates of the deployment.

(B) After review and approval of the petition, a pharmacy technician may be granted an extension of time to comply with the continuing education requirement which shall not exceed one license renewal period.

(C) An extension of time to complete continuing education credit does not relieve a pharmacy technician from the continuing education requirement during the current license period.

(D) If a petition for extension to the reporting period for continuing education is denied, the pharmacy technician shall:

(i) have 60 days to complete and report completion of the required continuing education requirements; and

(ii) be subject to the requirements of paragraph (6) of this subsection relating to failure to report completion of the required continuing education if the required continuing education is not completed and reported within the required 60-day time period.

(9) The following are considered approved programs for pharmacy technicians.

(A) Any program presented by an Accreditation Council for Pharmacy Education (ACPE) approved provider subject to the following conditions.

(i) Pharmacy technicians may receive credit for the completion of the same ACPE course only once during a renewal period.

(ii) Pharmacy technicians who present approved ACPE continuing education programs may receive credit for the time expended during the actual presentation of the program. Pharmacy technicians may receive credit for the same presentation only once during a license period.

(iii) Proof of completion of an ACPE course shall contain the following information:

(I) name of the participant;

(II) title and completion date of the program;

(III) name of the approved provider sponsoring or cosponsoring the program;

(IV) number of contact hours awarded;

(V) the assigned ACPE universal program number and a "T" designation indicating that the CE is targeted to pharmacy technicians; and

(VI) either:

(-a-) a dated certifying signature of the approved provider and the official ACPE logo; or

(-b-) the Continuing Pharmacy Education Monitor logo.

(B) Pharmacy related college courses which are part of a pharmacy technician training program or part of a professional degree program offered by a college of pharmacy.

(i) Pharmacy technicians may receive credit for the completion of the same course only once during a license period. A course is equivalent to one credit hour for each year of the renewal period. One credit hour is equal to 15 contact hours.

(ii) Pharmacy technicians who teach these courses may receive credit towards their continuing education, but such credit may be received only once for teaching the same course during a license period. **Documentation of the course instruction shall be a signed letter from the dean of the training program or professional degree program that contains the course title and completion date, the name of the pharmacy technician who taught the course, and the proportion of the course taught by the pharmacy technician, if the course was co-taught. A pharmacy technician who co-teaches a course shall receive continuing education credit in proportion to the percentage of the course taught by the pharmacist, rounded to the nearest contact hour.**

(C) Basic cardiopulmonary resuscitation (CPR) courses which lead to CPR certification by the American Red Cross or the American Heart Association or its equivalent shall be recognized as approved programs. Pharmacy technicians may receive credit for one contact hour towards their continuing education requirement for completion of a CPR course only once during a renewal period. Proof of completion of a CPR course shall be the certificate issued by the American Red Cross or the American Heart Association or its equivalent.

(D) Advanced cardiovascular life support courses (ACLS) or pediatric advanced life support (PALS) courses which lead to initial ACLS or PALS certification by the American Heart Association or its equivalent shall be recognized as approved programs. Pharmacy technicians may receive credit for twelve contact hours towards their continuing education requirement for completion of an ACLS or PALS course only once during a renewal period. Proof of completion of an ACLS or PALS course shall be the certificate issued by the American Heart Association or its equivalent.

(E) Advanced cardiovascular life support courses (ACLS) or pediatric advanced life support (PALS) courses which lead to ACLS or PALS recertification by the American Heart Association or its equivalent shall be recognized as approved programs. Pharmacy technicians may receive credit for four contact hours towards their continuing education requirement for completion of an ACLS or PALS recertification course only once during a renewal period. Proof of completion of an ACLS or PALS recertification course shall be the certificate issued by the American Heart Association or its equivalent.

~~[(F) Attendance at Texas State Board of Pharmacy Board Meetings shall be recognized for continuing education credit as follows.]~~

~~[(i) Pharmacy technicians shall receive credit for three contact hours towards their continuing education requirement for attending a full, public board business meeting in its entirety.]~~

~~[(ii) A maximum of six contact hours are allowed for attendance at a board meeting during a renewal period.]~~

[~~(iii) Proof of attendance for a complete board meeting shall be a certificate issued by the Texas State Board of Pharmacy.~~]

[~~(G) Participation in a Texas State Board of Pharmacy appointed Task Force shall be recognized for continuing education credit as follows.~~]

[~~(i) Pharmacy technicians shall receive credit for three contact hours towards their continuing education requirement for participating in a Texas State Board of Pharmacy appointed Task Force.~~]

[~~(ii) Proof of participation for a Task Force shall be a certificate issued by the Texas State Board of Pharmacy.~~]

(F)[~~(H)~~] Attendance at programs presented by the Texas State Board of Pharmacy or courses offered by the Texas State Board of Pharmacy as follows:

(i) Pharmacy technicians shall receive credit for the number of hours for the program or course as stated by the Texas State Board of Pharmacy.

(ii) Proof of attendance at a program presented by the Texas State Board of Pharmacy or completion of a course offered by the Texas State Board of Pharmacy shall be a certificate issued by the Texas State Board of Pharmacy.

[~~(I) Pharmacy technicians shall receive credit toward their continuing education requirements for programs or courses approved by other state boards of pharmacy as follows:~~]

[~~(i) Pharmacy technicians shall receive credit for the number of hours for the program or course as specified by the other state board of pharmacy.~~]

[~~(ii) Proof of attendance at a program or course approved by another state board of pharmacy shall be a certificate or other documentation that indicates:~~]

[~~(I) name of the participant;~~]

[~~(II) title and completion date of the program;~~]

[~~(III) name of the approved provider sponsoring or cosponsoring the program;~~]

[~~(IV) number of contact hours awarded;~~]

[~~(V) a dated certifying signature of the provider; and~~]

[~~(VI) documentation that the program is approved by the other state board of pharmacy.~~]

[~~(J) Completion of an Institute for Safe Medication Practices' (ISMP) Medication Safety Self-Assessment for hospital pharmacies or for community/ambulatory pharmacies shall be recognized for continuing education credit as follows.~~]

[~~(i) Pharmacy technicians shall receive credit for three contact hours towards their continuing education requirement for completion of an ISMP Medication Safety Self-Assessment.~~]

[~~(ii) Proof of completion of an ISMP Medication Safety Self-Assessment shall be:~~]

[~~(I) a continuing education certificate provided by an ACPE approved provider for completion of an assessment; or~~]

[~~(II) a document from ISMP showing completion of an assessment.~~]

(G)[~~(K)~~] Programs approved by the American Medical Association (AMA) as Category 1 Continuing Medical Education (CME) and accredited by the Accreditation Council for Continuing Medical Education **(ACCME)** subject to the following conditions.

(i) Pharmacy technicians may receive credit for the completion of the same CME course only once during a license period.

(ii) Pharmacy technicians who present approved CME programs may receive credit for the time expended during the actual presentation of the program. Pharmacy technicians may receive credit for the same presentation only once during a license period.

(iii) Proof of completion of a CME course shall contain the following information:

(I) name of the participant;

(II) title and completion date of the program;

(III) name of the approved provider sponsoring or cosponsoring the program;

(IV) number of contact hours awarded; and

(V) a dated certifying signature of the approved provider.

(H)[~~(L)~~] In-service education provided under the direct supervision of a pharmacist shall be recognized as continuing education as follows:

(i) Pharmacy technicians shall receive credit for the number of hours provided by pharmacist(s) at the pharmacy technician's place of employment.

(ii) Proof of completion of in-service education shall contain the following information:

(I) name of the participant;

(II) title or description of the program;

(III) completion date of the program;

(IV) name of the pharmacist supervising the in-service education;

(V) number of hours; and

(VI) a dated signature of the pharmacist providing the in-service education.

(c) Continuing education tracking system. As specified in §112.103 of the Texas Occupations Code, proof of completion of all continuing education requirements shall be reported to the board through the board's continuing education tracking system. A pharmacist shall not be issued a renewal certificate for the license period unless the pharmacist has reported the completion of all required contact hours and any courses required under subsection (b)(4) of this section through the continuing education tracking system.

AN ACT

relating to the verification of health care practitioner continuing education compliance through the establishment of continuing education tracking systems.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 112.002, Occupations Code, is transferred to Subchapter B, Chapter 112, Occupations Code, redesignated as Section 112.0501, Occupations Code, and amended to read as follows:

Sec. 112.0501 [~~112.002~~]. APPLICABILITY. This subchapter [~~chapter~~] applies only to licensing entities and health care practitioners under Chapters 401, 453, and 454 and Subtitles B, C, D, E, F, and K.

SECTION 2. Chapter 112, Occupations Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. CONTINUING EDUCATION REQUIREMENTS

Sec. 112.101. DEFINITIONS. In this subchapter:

(1) "Continuing education course" means a course, clinic, forum, lecture, program, or seminar that an individual must complete in order to maintain or renew a license.

(2) "Continuing education provider" means a person that a licensing entity authorizes or approves to offer continuing education courses.

(3) "Continuing education tracking system" means an

electronic system a licensing entity establishes as required by Section 112.104.

(4) "License" means a form of authorization a licensing entity issues, including a license, certificate, registration, or permit, that an individual must obtain to engage in a particular business, occupation, or profession.

Sec. 112.102. APPLICABILITY. (a) Except as provided by Subsection (b), this subchapter applies only to a licensing entity that issues a license to a health care practitioner under this title.

(b) This subchapter does not apply to Subtitle L.

Sec. 112.103. CONTINUING EDUCATION COMPLIANCE REQUIRED FOR LICENSE RENEWAL. (a) Notwithstanding any other law, a licensing entity may not renew a health care practitioner's license unless the licensing entity verifies that the health care practitioner has complied with any continuing education requirements of the licensing entity.

(b) Verification of a health care practitioner's compliance with continuing education requirements that the continuing education tracking system generates:

(1) satisfies the requirement of Subsection (a); and

(2) must be used in the conduct of any audit of health care practitioners the licensing entity conducts.

(c) This section does not prohibit a licensing entity from imposing penalties under applicable statutes or rules for a health care practitioner's failure to comply with continuing education requirements.

Sec. 112.104. CONTINUING EDUCATION TRACKING SYSTEM. (a) Each licensing entity by rule shall establish a continuing education tracking system for use by and accessible to health care practitioners, licensing entity staff, and continuing education providers.

(b) A continuing education tracking system established under this subchapter may not require any licensing entity expenditure.

Sec. 112.105. DATA AND SYSTEMS REQUIREMENTS. (a) A continuing education tracking system may collect and use only:

(1) information that directly relates to a health care practitioner's compliance with continuing education requirements, including:

(A) the name in which the health care practitioner's license is issued;

(B) the health care practitioner's license number;

(C) the license issue date;

(D) the license expiration date; and

(E) any other information disclosed to the public in response to a license verification request; and

(2) other information the licensing entity designates by rule as necessary for the system's performance of a function required by this subchapter.

(b) A continuing education tracking system established under Section 112.104 must:

(1) if the continuing education tracking system is a

cloud-based system, be certified under the state risk and authorization management program established under Section 2054.0593, Government Code; and

(2) comply with the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

Sec. 112.106. RULEMAKING. A licensing entity shall adopt rules necessary to implement this subchapter.

SECTION 3. (a) Except as provided by Subsection (b) of this section, not later than September 1, 2026, each licensing entity shall establish a continuing education tracking system as required by Section 112.104, Occupations Code, as added by this Act.

(b) Notwithstanding any other provision of this Act, not later than September 1, 2028, the Texas Department of Licensing and Regulation shall:

(1) establish a continuing education tracking system as required by Section 112.104, Occupations Code, as added by this Act; and

(2) comply with the verification requirements of Section 112.103, Occupations Code, as added by this Act.

SECTION 4. Notwithstanding Section 112.104(b), Occupations Code, as added by this Act, a licensing entity subject to that section that on the effective date of this Act has an agreement in place with a continuing education tracking system provider that is able to implement the requirements of Subchapter C, Chapter 112, Occupations Code, as added by this Act, may maintain that agreement and any costs associated with implementation of the agreement.

SECTION 5. This Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 912 passed the Senate on April 24, 2025, by the following vote: Yeas 28, Nays 3; and that the Senate concurred in House amendment on May 22, 2025, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

I hereby certify that S.B. No. 912 passed the House, with amendment, on May 20, 2025, by the following vote: Yeas 87, Nays 60, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor