

TEXAS STATE BOARD OF PHARMACY COMPACT WITH TEXANS

AGENCY PHILOSOPHY:

The Texas State Board of Pharmacy (TSBP) serves in a leadership role in regulating the practice of pharmacy and acts in accordance with the highest standards of ethics, accountability, efficiency, effectiveness, and openness. Through the regulation of the practice of pharmacy, the TSBP strives to foster both public and private trust. We approach our mission with a deep sense of purpose and responsibility. The public and the regulated community alike can be assured of a balanced and sensible approach to regulation.

AGENCY MISSION:

Our mission is to promote, preserve, and protect the public health, safety, and welfare by fostering the provision of quality pharmaceutical care to the citizens of Texas, through the regulation of the practice of pharmacy; the operation of pharmacies; and the distribution of prescription drugs in the public interest.

CUSTOMER SERVICE STANDARDS:

As the staff of the TSBP, we will strive to be courteous, professional, flexible, honest, and helpful in all dealing with our customers while carrying out the agency mission. We aim to provide our customers with clear, easy to understand, and accurate information about services. We work to actively listen so we can better anticipate the needs of our customers and be fully responsive to customer's concerns regarding our services.

SERVICES PROVIDED:

TSBP provides four major types of services to its external customer, as follows:

■ POLICY SERVICES

TSBP rules, policies, and guidelines are established by eleven Board Members who are appointed by the Governor, with the concurrence of the Senate, for staggered six-year terms. Three members must be public representatives (i.e., consumers/non-pharmacists). Seven members must be licensed pharmacists who are actively practicing in Texas and have been doing so for at least five years immediately preceding appointment, and who are in good standing with the Board. One member must have been a registered pharmacy technician in Texas for at least five years immediately preceding appointment, acting as a pharmacy technician, and be in good standing with the Board. In addition, the Board must have representation for licensed pharmacists who are primarily employed in Community and Institutional pharmacies. The Board Members employ an Executive Director/Secretary ("Executive Director") who serves as the executive officer of the agency, and as such, is an ex-officio member of the Board. The Executive Director is responsible for advising the Board on policy matters, implementing Board policy, and managing the agency on a day-to-day basis.

- Board Meetings – The Board Members discuss and formulate public policy with regard to the practice of pharmacy during quarterly Board Meetings, in accordance with the Texas Open Meetings Act. If a member of the public wishes to speak to the Board at a public meeting about

an issue not already intended for discussion, the individual must submit a request in writing six weeks prior to the date of the Board Meeting.

- Rulemaking – Rules and amendments to rules are enacted in accordance with the procedures set forth in the Administrative Procedure Act. TSBP ensures that customers have input into the rulemaking process via Task Forces, public hearings, public forums, and/or electronic media or other forms of communication. TSBP writes rules with the intent that they be easily understood by the people who use and implement them. TSBP includes in the preamble of all *Texas Register* notices accompanying a proposed or final rule, a clear explanation summarizing the problem the rule is trying to solve, a summary of what the rule requires, a short explanation of how the rule solves the problem and the financial impact of the rule, along with any other information required by state law.

We appreciate and seek customer input to make informed decision on policies, programs and rules. TSBP Customer Relations Representative may be contacted by e-mail (customerservice@pharmacy.texas.gov), in writing (see address below), or by telephone (512-305-8026).

■ INFORMATION SERVICES

TSBP provides verbal, written and electronic information regarding services provided. Other than obtaining general information on the TSBP website (which is freely available at any time), customers can expect the following wait times for the following types of information services:

- Requests for General Information via Telephone Calls – Our goal is to answer or return calls by the close of business on the day of the call or by the close of the next business day. If the person receiving the call cannot fully respond to the inquiry, the customer will be referred to another individual who can and who will strive to respond within an additional 24 hours.
- Request for General Information via E-Mail – Our goal is to respond to an e-mail inquiry within 10 working days.
- Written Requests for Licensure Verification and Public Information Regarding Complaints and Disciplinary Orders – Responses for this type of information are answered within 10 working days, unless the request is for a large volume of records, in which case TSBP provides the requestor an estimate of the time it will take the agency to provide the requested information.
- *TSBP Updates* – The *TSBP Updates* are available on the TSBP website and sent out to all subscribers on a quarterly basis.
- Publications (e.g., TSBP Law Reference Manual) – Links relating to Texas Pharmacy laws and rules and directions to obtain the Texas pharmacy law reference text, are displayed on the agency website (www.pharmacy.texas.gov/rules).
- Verification of Licensees – Information on all licensed and registered persons and entities (including pharmacists, pharmacies, pharmacy technicians, and interns) can be accessed on the TSBP website. The information includes practice location, licensing and employment data, and previous disciplinary history. In addition, a list of all licensees is available for download on the TSBP website at no charge (www.pharmacy.texas.gov/dbsearch/tables.asp).

- Educational Outreach – Webinars on pharmacy law and rules are provided at a minimal charge to the regulated profession, in addition to video and tutorial instruction on the agency’s website regarding licensing and pharmacy practice issues.

■ LICENSING SERVICES

Through its licensing services, TSBP ensures: (1) that applicants for pharmacist licensure and pharmacy technician registration have met the educational, experience, and examination requirements as established by the Legislature and by the Board; (2) that individuals who apply to own and operate a pharmacy have met the standards for licensure, as established by the Legislature and by the Board; (3) that through the license renewal process, qualified persons are practicing pharmacy or operating a pharmacy with a current license and that qualified individuals are registered as pharmacy technicians and pharmacy technician trainees; (4) that qualified individuals are certified as preceptors; and (5) that qualified pharmacy students are registered as pharmacist-interns. Customers can expect the following wait times:

- Issuance of a Pharmacist License by examination, score transfer, or reciprocity – applicants can expect to be notified of the results of a licensure examination within 10 working days after the date the agency received the examination results. *
- Issuance of a Pharmacy License – applications are processed within 10 working days of the receipt of the required fee and all required documents (including enforcement review and pre-inspection if applicable). *
- Issuance of a Pharmacist-Intern Registration – applications are processed within an average of 10 working days of the receipt of all required documents (including enforcement review).*
- Issuance of a Preceptor Certification – applications are processed within five working days of the receipt of all required documents. However, the agency may deny the application to be a preceptor if the pharmacist does not meet the standards established by the Board.
- Issuance of a Pharmacy Technician or a Pharmacy Technician Trainee Registration – applications are processed within four working days of the receipt of the required fee and all required documents (including enforcement review). *
- Renewal of a Pharmacy Technician Registration – applications are processed within four working days of the receipt of the required fee and all required documents.
- Renewal of a Pharmacist License – applications are processed within five working days of the receipt of the required fee and all required documents.
- Renewal of a Pharmacy License – applications are processed within five working days of the receipt of the required fee and all required documents.

* Applications may not be processed (i.e., licenses or registrations would not be issued) within the stated time frame if, upon sufficient grounds, the agency institutes disciplinary action against the application.

■ ENFORCEMENT SERVICES

TSBP enforces the laws/rules governing the practice of pharmacy by conducting compliance program reviews and inspections of pharmacies, investigating complaints, and adjudicating licensees who have

allegedly committed substantive violations of applicable law and rules. Wait time for enforcement services are listed below:

- Compliance Inspections – TSBP has a team of 12 individuals to conduct inspections of pharmacies located in Texas. The compliance team conducts approximately 3000 inspections per year. TSBP contracts with several vendors to conduct inspections of Non-Resident (out-of-state) pharmacies that compound sterile preparations and ship prescription drugs into Texas, since these pharmacies are required to be inspected before every biennial renewal. Otherwise, pharmacies that compound sterile preparations in Texas can expect to be inspected approximately every two years. The goal for the frequency of inspection of pharmacies that do not compound sterile preparations is approximately every three to four years.
- Investigations – TSBP initiates an investigation upon receipt of a complaint with TSBP. Complaints may be closed with verbal admonition, written letter, referral to other agencies, or disciplinary action, depending upon the seriousness of the complaint or a subject’s prior complaint history. If there is no evidence or insufficient evidence of a violation of the laws and/or rules governing the practice of pharmacy, TSBP may close a complaint with no regulatory action. TSBP works to achieve an average complaint resolution time less than six months. However, complaint resolution time will increase if disciplinary action is instituted against the subject(s) of the complaint; and
- Legal proceedings – After completing the investigation of a violation that is determined to be serious in nature or due to a subject’s prior complaint history, a complaint may be referred for legal proceedings resulting in disciplinary action against the subject of the complaint. Most cases are resolved within six to nine months of referral for disciplinary action. However, if the case is not resolved by agreement and proceeds to a contested case hearing, the resolution time can significantly increase.

TSBP works to ensure that the regulated community knows what is expected via the Rules Queue hotline, routine compliance inspections, online technical assistance (e.g. FAQs), professional exhibits, speeches/presentations to professional associations, and educational programs on our website and live via webinar.

To file a complaint against any entity regulated by TSBP or an entity who has violated the laws and/or rules governing the practice of pharmacy, the complaint must be in writing. A complaint may be submitted on the TSBP Complaint Form or otherwise in writing to TSBP via U.S. mail, FAX, e-mail, or online on the TSBP website. TSBP does not accept anonymous complaints. To obtain a TSBP Complaint Form, the complainant may download the complaint form from the TSBP website and/or may contact TSBP at the following address:

Texas State Board of Pharmacy
William P. Hobby Building
333 Guadalupe Street, Suite 3-500
Austin, Texas 78701
Telephone Number: 512-305-8000
Complaint Toll-free Number: 800-821-3205
Fax Number: 512-305-8082
Email: complaint@pharmacy.texas.gov
Website: www.pharmacy.texas.gov