

## **BILL ANALYSIS**

Senate Research Center  
76R5713 JMM-F

S.B. 730  
By: Madla  
Health Services  
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As Filed

### **DIGEST**

Currently, there are 19,000 pharmacists and 5,400 pharmacies in the state that are required to renew their licenses annually. The State Board of Pharmacy (board) wishes to maximize the effectiveness of the licensing personnel and spread the administrative burden throughout the year by moving to a biennial licensure. During the past legislative session, pharmacists were given permission to administer immunizations and vaccinations when working under a physician's delegated authority and were required to have their immunization training to be "certified" by the board. Graduates of the training programs possessed a consistently high level of competency. S.B. 730 would provide licensing and regulation of pharmacists and pharmacies, including the renewal of pharmacy licenses either annually or biennially as determined by the board.

### **PURPOSE**

As proposed, S.B. 730 sets forth licensing and regulation of pharmacists and pharmacies.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 5(7), Article 4542a-1, V.T.C.S.(Texas Pharmacy Act), to redefine "Class C pharmacy license" or "institutional pharmacy license." Makes conforming changes.

SECTION 2. Amends Sections 17(a) and (b), Article 4542a-1, V.T.C.S., to provide that the Texas State Board of Pharmacy (board) is responsible for the regulation of the practice of pharmacy in this state, including the determination and issuance of recognition and approval standards of pharmacist certification programs, including a requirement that a pharmacist may not use the designation "board certified" unless the pharmacist has attended a certification program that meets board standards. Deletes text regarding annual registration of balances. Makes conforming changes.

SECTION 3. Amends Section 24A(d), Article 4542a-1, V.T.C.S., to require an applicant who satisfies the continuing education requirement through completion of approved programs to present evidence satisfactory to the board of completion of not fewer than 24, rather than at least 12, hours of continuing education during the preceding 24 months of the applicant's license period. Deletes text authorizing a licensee to carry forward certain hours.

SECTION 4. Amends Section 27A(g), Article 4542a-1, V.T.C.S., to authorize the board to add a surcharge of not more than \$10 for each 12 months in a license period to a license or license renewal fee authorized under this Act to fund the program to aid impaired pharmacists or pharmacy students.

SECTION 5. Amends Section 28(b), Article 4542-1, V.T.C.S., to provide that a person petitioning for reinstatement has the burden of proof.

SECTION 6. Amends Sections 29(a) and (e), Article 4542a-1, V.T.C.S., as follows:

- (a) Requires a pharmacy license under this Act to be renewed annually or biennially as determined by the board.
- (e) Authorizes the board, with respect to Class C pharmacies, to issue a license to a pharmacy on

certification by the appropriate agency that the facility in which the pharmacy is located has substantially completed the requirements for licensing.

SECTION 7. Amends Sections 31(d) and (f), Article 4542a-1, V.T.C.S., as follows:

(d) Requires the board to remove a pharmacy's name from the register of licensed pharmacies and suspend the license of a pharmacy that does not file a completed application and pay the renewal fee before the license expiration date, rather than June 1 of each year.

(f) Authorizes the board to adopt a system in which licenses to operate a pharmacy expire on various dates during the year or every other year, as appropriate.

SECTION 8. Effective date: September 1, 1999.  
Makes application of this Act prospective.

SECTION 9. Emergency clause.