

SUBJECT: Revoking a pharmacy license for failure to operate as a pharmacy

COMMITTEE: Public Health — committee substitute recommended

VOTE: 8 ayes — S. Thompson, Frank, Guerra, Lucio, Ortega, Price, Sheffield, Zedler

0 nays

3 absent — Wray, Allison, Coleman

WITNESSES: For — (*Registered, but did not testify:* Ashley Bishop, AIP Texas; Bradford Shields, Texas Federation of Drug Stores, Texas Society of Health-System Pharmacists; Stephanie Chiarello, Texas Pharmacy Association; Bruce McAnally)

Against — None

On — (*Registered, but did not testify:* Allison Benz, Texas State Board of Pharmacy)

BACKGROUND: Occupations Code sec. 565.002(a)(7) authorizes the Texas State Board of Pharmacy to discipline a pharmacy license applicant or holder if the board finds the applicant or license holder failed or ceased to engage in business.

Observers have noted that the pharmacy board's current inability to revoke the license of a nonoperational pharmacy increases the risk of illicit activity.

DIGEST: CSHB 3052 would require the Texas State Board of Pharmacy to notify a licensed pharmacy that had ceased to operate for at least 30 days that its license would be revoked. The notice would have to include a statement about the license revocation and inform the license holder of the right to a hearing to contest the revocation.

By the 20th day after the license holder received the revocation notice, the

license holder could submit a written request for a hearing. If the license holder did not request a hearing, the pharmacy board would have to notify the license holder of the entered revocation order.

If the license holder requested a hearing, a panel of three appointed board members would conduct the hearing and determine whether the license holder violated Occupations Code sec. 565.002(a)(7). If the panel determined that the license holder committed the violation, the board would have to notify the license holder promptly of the entered revocation order.

The bill would take effect September 1, 2019.