

By: Van de Putte
(Zedler)

S.B. No. 869

Substitute the following for S.B. No. 869:

By: Guerra

C.S.S.B. No. 869

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of pharmacy; authorizing fees.

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

SECTION 1. Section 353.204(e), Occupations Code, is amended to read as follows:

(e) The Texas State Board of Pharmacy is responsible for enforcing this chapter with regard to a violation of this chapter by a pharmacist. A violation of this chapter by a pharmacist is considered to be a violation of Subtitle J[, ~~other than Chapter 567~~].

SECTION 2. Section 551.001, Occupations Code, is amended to read as follows:

Sec. 551.001. SHORT TITLE. This [~~The chapters of this~~] subtitle[, ~~other than Chapter 567,~~] may be cited as the Texas Pharmacy Act.

SECTION 3. Section 551.003, Occupations Code, is amended by amending Subdivision (32) and adding Subdivision (32-a) to read as follows:

(32) "Pharmacy technician" means an individual employed by a pharmacy whose responsibility is to provide technical services that do not require professional judgment regarding preparing and distributing drugs and who works under the direct supervision of and is responsible to a pharmacist. The term does

1 not include a pharmacy technician trainee.

2 (32-a) "Pharmacy technician trainee" means an
3 individual who is registered with the board as a pharmacy
4 technician trainee and is authorized to participate in a pharmacy
5 technician training program.

6 SECTION 4. Section 554.002, Occupations Code, is amended to
7 read as follows:

8 Sec. 554.002. REGULATION OF PRACTICE OF PHARMACY. The
9 board shall regulate the practice of pharmacy in this state by:

10 (1) issuing a license after examination or by
11 reciprocity to an applicant qualified to practice pharmacy and
12 issuing a license to a pharmacy under this subtitle;

13 (2) renewing a license to practice pharmacy and a
14 license to operate a pharmacy;

15 (3) determining and issuing standards for recognizing
16 and approving degree requirements of colleges of pharmacy whose
17 graduates are eligible for a license in this state;

18 (4) specifying and enforcing requirements for
19 practical training, including an internship;

20 (5) enforcing the provisions of this subtitle relating
21 to:

22 (A) the conduct or competence of a pharmacist
23 practicing in this state and the conduct of a pharmacy operating in
24 this state; and

25 (B) the suspension, revocation, retirement, or
26 restriction of a license to practice pharmacy or to operate a
27 pharmacy or the imposition of an administrative penalty or

1 reprimand on a license holder;

2 (6) regulating the training, qualifications, and
3 employment of a pharmacist-intern, ~~and~~ pharmacy technician, and
4 pharmacy technician trainee; and

5 (7) determining and issuing standards for recognizing
6 and approving a pharmacy residency program for purposes of
7 Subchapter W, Chapter 61, Education Code.

8 SECTION 5. Section 554.007(b), Occupations Code, is amended
9 to read as follows:

10 (b) The board may receive and spend money, or use gifts,
11 grants, and other funds and assets [~~from a party, other than the~~
12 ~~state~~], in addition to money collected under Subsection (a), in
13 accordance with state law.

14 SECTION 6. The heading to Section 554.053, Occupations
15 Code, is amended to read as follows:

16 Sec. 554.053. RULEMAKING: PHARMACY TECHNICIAN AND PHARMACY
17 TECHNICIAN TRAINEE.

18 SECTION 7. Sections 554.053(a) and (b), Occupations Code,
19 are amended to read as follows:

20 (a) The board shall establish rules for the use and the
21 duties of a pharmacy technician and pharmacy technician trainee in
22 a pharmacy licensed by the board. A pharmacy technician and
23 pharmacy technician trainee shall be responsible to and must be
24 directly supervised by a pharmacist.

25 (b) The board may not adopt a rule establishing a ratio of
26 pharmacists to pharmacy technicians and pharmacy technician
27 trainees in a Class C pharmacy or limiting the number of pharmacy

1 technicians or pharmacy technician trainees that may be used in a
2 Class C pharmacy.

3 SECTION 8. Section 557.004, Occupations Code, is amended to
4 read as follows:

5 Sec. 557.004. LIMITATIONS ON REGISTRATION. (a) The board
6 may:

- 7 (1) refuse to issue a registration to an applicant; or
8 (2) restrict, suspend, or revoke a pharmacist-intern
9 registration for a violation of this subtitle.

10 (b) The board may take disciplinary action against an
11 applicant for a pharmacist-intern registration or the holder of a
12 current or expired pharmacist-intern registration in the same
13 manner as against an applicant for a license or a license holder by
14 imposing a sanction authorized under Section 565.051 if the board
15 finds that the applicant or registration holder has engaged in
16 conduct described by Section 565.001.

17 SECTION 9. Section 559.003, Occupations Code, is amended by
18 adding Subsection (e) to read as follows:

19 (e) A person may not renew a license to practice pharmacy if
20 the person holds a license to practice pharmacy in another state
21 that has been suspended, revoked, canceled, or subject to an action
22 that prohibits the person from practicing pharmacy in that state.

23 SECTION 10. Section 560.052(b), Occupations Code, is
24 amended to read as follows:

25 (b) To qualify for a pharmacy license, an applicant must
26 submit to the board:

- 27 (1) a license fee set by the board, except as provided

1 by Subsection (d); and

2 (2) a completed application that:

3 (A) is on a form prescribed by the board;

4 (B) is given under oath; ~~and~~

5 (C) includes proof that a license held in this
6 state or another state, if applicable, has not been restricted,
7 suspended, revoked, or surrendered for any reason; and

8 (D) includes a statement of:

9 (i) the ownership;

10 (ii) the location of the pharmacy;

11 (iii) the license number of each pharmacist
12 who is employed by the pharmacy, if the pharmacy is located in this
13 state, or who is licensed to practice pharmacy in this state, if the
14 pharmacy is a Class E pharmacy;

15 (iv) the license number of the
16 pharmacist-in-charge; and

17 (v) any other information the board
18 determines necessary.

19 SECTION 11. Section 561.003, Occupations Code, is amended
20 by adding Subsection (f) to read as follows:

21 (f) A pharmacy may not renew a license under this section if
22 the pharmacy's license to operate in another state has been
23 suspended, revoked, canceled, or subject to an action that
24 prohibits the pharmacy from operating in that state.

25 SECTION 12. Section 562.012, Occupations Code, is amended
26 to read as follows:

27 Sec. 562.012. SUBSTITUTION OF DOSAGE FORM PERMITTED. With

1 the patient's consent [~~and notification to the practitioner~~], a
2 pharmacist may dispense a dosage form of a drug different from that
3 prescribed, such as a tablet instead of a capsule or a liquid
4 instead of a tablet, if the dosage form dispensed:

5 (1) contains the identical amount of the active
6 ingredients as the dosage prescribed for the patient;

7 (2) is not an enteric-coated or timed release product;
8 and

9 (3) does not alter desired clinical outcomes.

10 SECTION 13. Section 562.056, Occupations Code, is amended
11 by adding Subsection (a-1) and amending Subsection (b) to read as
12 follows:

13 (a-1) To be a valid prescription, a prescription for a
14 controlled substance must be issued for a legitimate medical
15 purpose by a practitioner acting in the usual course of the
16 practitioner's professional practice. The responsibility for the
17 proper prescribing and dispensing of controlled substances is on
18 the prescribing practitioner, but a corresponding responsibility
19 rests with the pharmacist who fills the prescription.

20 (b) This section [~~Subsection (a)~~] does not prohibit a
21 pharmacist from dispensing a prescription when a valid
22 practitioner-patient relationship is not present in an emergency.

23 SECTION 14. Section 562.103, Occupations Code, is amended
24 by amending Subsection (b) and adding Subsection (c) to read as
25 follows:

26 (b) A Class A or Class C pharmacy that serves the public
27 shall:

1 (1) display the word "pharmacy" or a similar word or
2 symbol as determined by the board in a prominent place on the front
3 of the pharmacy; and

4 (2) display in public view the license of the
5 pharmacist-in-charge of [~~each pharmacist employed in~~] the
6 pharmacy.

7 (c) A pharmacy shall maintain and make available to the
8 public on request proof that each pharmacist, pharmacist-intern,
9 pharmacy technician, and pharmacist technician trainee working in
10 the pharmacy holds the appropriate license or registration.

11 SECTION 15. Section 565.001(a), Occupations Code, is
12 amended to read as follows:

13 (a) The board may discipline an applicant for or the holder
14 of a current or expired license to practice pharmacy if the board
15 finds that the applicant or license holder has:

16 (1) violated this subtitle or a board rule adopted
17 under this subtitle;

18 (2) engaged in unprofessional conduct as defined by
19 board rule;

20 (3) engaged in gross immorality as defined by board
21 rule;

22 (4) developed an incapacity that prevents or could
23 prevent the applicant or license holder from practicing pharmacy
24 with reasonable skill, competence, and safety to the public;

25 (5) engaged in fraud, deceit, or misrepresentation, as
26 defined by board rule, in practicing pharmacy or in seeking a
27 license to practice pharmacy;

1 (6) been convicted of or placed on deferred
2 adjudication community supervision or deferred disposition or the
3 applicable federal equivalent for:

4 (A) a misdemeanor:

5 (i) involving moral turpitude; or

6 (ii) under Chapter 481 or 483, Health and
7 Safety Code, or the Comprehensive Drug Abuse Prevention and Control
8 Act of 1970 (21 U.S.C. Section 801 et seq.); or

9 (B) a felony;

10 (7) used alcohol or drugs in an intemperate manner
11 that, in the board's opinion, could endanger a patient's life;

12 (8) failed to maintain records required by this
13 subtitle or failed to maintain complete and accurate records of
14 purchases or disposals of drugs listed in Chapter 481 or 483, Health
15 and Safety Code, or the Comprehensive Drug Abuse Prevention and
16 Control Act of 1970 (21 U.S.C. Section 801 et seq.);

17 (9) violated any provision of:

18 (A) Chapter 481 or 483, Health and Safety Code,
19 or the Comprehensive Drug Abuse Prevention and Control Act of 1970
20 (21 U.S.C. Section 801 et seq.), or rules relating to one of those
21 laws; or

22 (B) Section 485.031, 485.032, 485.033, or
23 485.034, Health and Safety Code;

24 (10) aided or abetted an unlicensed person in the
25 practice of pharmacy if the pharmacist knew or reasonably should
26 have known that the person was unlicensed at the time;

27 (11) refused entry into a pharmacy for an inspection

1 authorized by this subtitle if the pharmacist received notification
2 from which the pharmacist knew or reasonably should have known that
3 the attempted inspection was authorized;

4 (12) violated any pharmacy or drug statute or rule of
5 this state, another state, or the United States;

6 (13) been negligent in the practice of pharmacy;

7 (14) failed to submit to an examination after hearing
8 and being ordered to do so by the board under Section 565.052;

9 (15) dispensed a prescription drug while acting
10 outside the usual course and scope of professional practice;

11 (16) been disciplined by a pharmacy board or by
12 another health [the] regulatory board of this state or another
13 state for conduct substantially equivalent to conduct described
14 under this subsection;

15 (17) violated a disciplinary order, including a
16 confidential order or contract under the program to aid impaired
17 pharmacists and pharmacy students under Chapter 564;

18 (18) failed to adequately supervise a task delegated
19 to a pharmacy technician or pharmacy technician trainee;

20 (19) inappropriately delegated a task delegated to a
21 pharmacy technician or pharmacy technician trainee; ~~or~~

22 (20) been responsible for a drug audit shortage; or

23 (21) been convicted or adjudicated of a criminal
24 offense that requires registration as a sex offender under Chapter
25 62, Code of Criminal Procedure.

26 SECTION 16. Section 565.055(c), Occupations Code, is
27 amended to read as follows:

1 (c) Notwithstanding Subsection (b), information or material
2 compiled by the board in connection with an investigation may be
3 disclosed:

4 (1) during any proceeding conducted by the State
5 Office of Administrative Hearings, to the board, or a panel of the
6 board, or in a subsequent trial or appeal of a board action or
7 order;

8 (2) to a person providing a service to the board,
9 including an expert witness, investigator, or employee of an entity
10 that contracts with the board, related to a disciplinary proceeding
11 against an applicant or license holder, or a subsequent trial or
12 appeal, if the information is necessary for preparation for, or a
13 presentation in, the proceeding;

14 (3) to an entity in another jurisdiction that:
15 (A) licenses or disciplines pharmacists or
16 pharmacies; or
17 (B) registers or disciplines pharmacy
18 technicians or pharmacy technician trainees;

19 (4) to a pharmaceutical or pharmacy peer review
20 committee as described under Chapter 564;

21 (5) to a law enforcement agency;

22 (6) to a person engaged in bona fide research, if all
23 information identifying a specific individual has been deleted; or

24 (7) to an entity that administers a board-approved
25 pharmacy technician certification examination [~~under a court~~
26 ~~order~~].

27 SECTION 17. Section 565.101(a), Occupations Code, is

1 amended to read as follows:

2 (a) A person whose pharmacy license, license to practice
3 pharmacy, ~~or~~ pharmacy technician registration, or pharmacy
4 technician trainee registration in this state has been revoked or
5 restricted under this subtitle, whether voluntarily or by board
6 action, may, after the first anniversary of the effective date of
7 the revocation or restriction, petition the board for reinstatement
8 or removal of the restriction of the license or registration.

9 SECTION 18. The heading to Chapter 568, Occupations Code,
10 is amended to read as follows:

11 CHAPTER 568. PHARMACY TECHNICIANS AND PHARMACY
12 TECHNICIAN TRAINEES

13 SECTION 19. Section 568.001, Occupations Code, is amended
14 to read as follows:

15 Sec. 568.001. RULES; QUALIFICATIONS ~~[RELATING TO PHARMACY~~
16 ~~TECHNICIANS]~~. (a) In establishing rules under Section 554.053(c),
17 the board shall require that:

18 (1) a pharmacy technician:

19 (A) ~~[(1)]~~ have a high school diploma or a high
20 school equivalency certificate or be working to achieve an
21 equivalent diploma or certificate; and

22 (B) ~~[(2)]~~ have passed a board-approved pharmacy
23 technician certification examination; and

24 (2) a pharmacy technician trainee have a high school
25 diploma or a high school equivalency certificate or be working to
26 achieve an equivalent diploma or certificate.

27 (b) The board shall adopt rules that permit a pharmacy

1 technician and pharmacy technician trainee to perform only
2 nonjudgmental technical duties under the direct supervision of a
3 pharmacist.

4 SECTION 20. Section 568.002, Occupations Code, is amended
5 to read as follows:

6 Sec. 568.002. [~~PHARMACY TECHNICIAN~~] REGISTRATION REQUIRED.

7 (a) A person must register with the board before beginning work in
8 a pharmacy in this state as a pharmacy technician or a pharmacy
9 technician trainee [~~pharmacy technician must register with the~~
10 ~~board annually or biennially, as determined by board rule, on a form~~
11 ~~prescribed by the board~~].

12 (b) The board may allow a pharmacy technician to petition
13 the board for a special exemption from the pharmacy technician
14 certification requirement if the pharmacy technician[+]

15 [~~(1)~~] is in a county with a population of less than
16 50,000[~~;~~ ~~or~~

17 [~~(2)~~ ~~on September 1, 2001, has been employed as a~~
18 ~~pharmacy technician in this state for at least 10 years and the~~
19 ~~technician's employer approves the petition~~].

20 (c) An applicant for registration as a pharmacy technician
21 or a pharmacy technician trainee must:

22 (1) be of good moral character; and

23 (2) submit an application on a form prescribed by the
24 board.

25 (d) A person's registration as a pharmacy technician or
26 pharmacy technician trainee remains in effect as long as the person
27 meets the qualifications established by board rule.

1 SECTION 21. Section 568.003(a), Occupations Code, is
2 amended to read as follows:

3 (a) The board may take disciplinary action under Section
4 568.0035 against an applicant for or the holder of a current or
5 expired pharmacy technician or pharmacy technician trainee
6 registration if the board determines that the applicant or
7 registrant has:

8 (1) violated this subtitle or a rule adopted under
9 this subtitle;

10 (2) engaged in gross immorality, as that term is
11 defined by the rules of the board;

12 (3) engaged in any fraud, deceit, or
13 misrepresentation, as those terms are defined by the rules of the
14 board, in seeking a registration to act as a pharmacy technician or
15 pharmacy technician trainee;

16 (4) been convicted of or placed on deferred
17 adjudication community supervision or deferred disposition or the
18 applicable federal equivalent for:

19 (A) a misdemeanor:

20 (i) involving moral turpitude; or

21 (ii) under Chapter 481 or 483, Health and
22 Safety Code, or the Comprehensive Drug Abuse Prevention and Control
23 Act of 1970 (21 U.S.C. Section 801 et seq.); or

24 (B) a felony;

25 (5) developed an incapacity that prevents the
26 applicant or registrant from practicing as a pharmacy technician or
27 pharmacy technician trainee with reasonable skill, competence, and

1 safety to the public;

2 (6) violated:

3 (A) Chapter 481 or 483, Health and Safety Code,
4 or rules relating to those chapters;

5 (B) Sections 485.031-485.035, Health and Safety
6 Code; or

7 (C) a rule adopted under Section 485.011, Health
8 and Safety Code;

9 (7) violated the pharmacy or drug laws or rules of this
10 state, another state, or the United States;

11 (8) performed duties in a pharmacy that only a
12 pharmacist may perform, as defined by the rules of the board;

13 (9) used alcohol or drugs in an intemperate manner
14 that, in the board's opinion, could endanger a patient's life;

15 (10) engaged in negligent, unreasonable, or
16 inappropriate conduct when working in a pharmacy;

17 (11) violated a disciplinary order;

18 (12) been convicted or adjudicated of a criminal
19 offense that requires registration as a sex offender under Chapter
20 62, Code of Criminal Procedure; or

21 (13) been disciplined by a pharmacy or other health
22 regulatory board of this state or another state for conduct
23 substantially equivalent to conduct described by this subsection.

24 SECTION 22. Section 568.0035(a), Occupations Code, is
25 amended to read as follows:

26 (a) On a determination that a ground for discipline exists
27 under Section 568.003, the board may:

- 1 (1) suspend the person's registration;
- 2 (2) revoke the person's registration;
- 3 (3) restrict the person's registration to prohibit the
4 person from performing certain acts or from practicing as a
5 pharmacy technician or pharmacy technician trainee in a particular
6 manner for a term and under conditions determined by the board;
- 7 (4) impose an administrative penalty under Chapter
8 566;
- 9 (5) refuse to issue or renew the person's
10 registration;
- 11 (6) place the offender's registration on probation and
12 supervision by the board for a period determined by the board and
13 impose a requirement that the registrant:
 - 14 (A) report regularly to the board on matters that
15 are the basis of the probation;
 - 16 (B) limit practice to the areas prescribed by the
17 board;
 - 18 (C) continue or review professional education
19 until the registrant attains a degree of skill satisfactory to the
20 board in each area that is the basis of the probation; or
 - 21 (D) pay the board a probation fee to defray the
22 costs of monitoring the registrant during the period of probation;
- 23 (7) reprimand the person;
- 24 (8) retire the person's registration as provided by
25 board rule; or
- 26 (9) impose more than one of the sanctions listed in
27 this section.

1 SECTION 23. Section 568.0037(a), Occupations Code, is
2 amended to read as follows:

3 (a) The president of the board shall appoint a disciplinary
4 panel consisting of three board members to determine whether a
5 registration under this chapter should be temporarily suspended or
6 restricted. If a majority of the panel determines from evidence or
7 information presented to the panel that the registrant by
8 continuation in practice as a pharmacy technician or pharmacy
9 technician trainee would constitute a continuing threat to the
10 public welfare, the panel shall temporarily suspend or restrict the
11 registration as provided by Subsection (b).

12 SECTION 24. Section 568.004, Occupations Code, is amended
13 to read as follows:

14 Sec. 568.004. RENEWAL OF REGISTRATION. The board may adopt
15 a system in which the registrations of pharmacy technicians and
16 pharmacy technician trainees expire on various dates during the
17 year.

18 SECTION 25. Section 568.005, Occupations Code, is amended
19 to read as follows:

20 Sec. 568.005. FEES. The board may adopt fees as necessary
21 for the registration of pharmacy technicians and pharmacy
22 technician trainees.

23 SECTION 26. Section 568.006, Occupations Code, is amended
24 to read as follows:

25 Sec. 568.006. RATIO OF PHARMACISTS TO PHARMACY TECHNICIANS
26 AND PHARMACY TECHNICIAN TRAINEES. The ratio of pharmacists to
27 pharmacy technicians and pharmacy technician trainees in a Class A

1 pharmacy must be at least one pharmacist for every five pharmacy
2 technicians or pharmacy technician trainees if the Class A pharmacy
3 dispenses not more than 20 different prescription drugs and does
4 not produce intravenous or intramuscular drugs on-site.

5 SECTION 27. The heading to Section 568.008, Occupations
6 Code, is amended to read as follows:

7 Sec. 568.008. PHARMACY TECHNICIANS IN HOSPITALS WITH
8 CLINICAL PHARMACY PROGRAM.

9 SECTION 28. Chapter 568, Occupations Code, is amended by
10 adding Section 568.009 to read as follows:

11 Sec. 568.009. CHANGE OF ADDRESS OR EMPLOYMENT. Not later
12 than the 10th day after the date of a change of address or
13 employment, a pharmacy technician or a pharmacy technician trainee
14 shall notify the board in writing of the change.

15 SECTION 29. Sections 569.001(a) and (c), Occupations Code,
16 are amended to read as follows:

17 (a) Every insurer or other entity providing pharmacist's
18 professional liability insurance, pharmacy technician professional
19 and supplemental liability insurance, or druggist's professional
20 liability insurance covering a pharmacist, pharmacy technician,
21 pharmacy technician trainee, or pharmacy license holder in this
22 state shall submit to the board the information described in
23 Section 569.002 at the time prescribed.

24 (c) If a pharmacist, pharmacy technician, pharmacy
25 technician trainee, or pharmacy licensed in this state does not
26 carry or is not covered by pharmacist's professional liability
27 insurance, pharmacy technician professional and supplemental

1 liability insurance, or druggist's professional liability
2 insurance and is insured by a nonadmitted carrier or other entity
3 providing pharmacy professional liability insurance that does not
4 report under this subtitle, the duty to report information under
5 Section 569.002 is the responsibility of the pharmacist, pharmacy
6 technician, pharmacy technician trainee, or pharmacy license
7 holder.

8 SECTION 30. Section 569.002(a), Occupations Code, is
9 amended to read as follows:

10 (a) The following information must be furnished to the board
11 not later than the 30th day after receipt by the insurer of the
12 notice of claim letter or complaint from the insured:

13 (1) the name of the insured and the insured's state
14 pharmacy technician registration number, pharmacy technician
15 trainee registration number, or pharmacist or pharmacy license
16 number;

17 (2) the policy number; and

18 (3) a copy of the notice of claim letter or complaint.

19 SECTION 31. Section 569.005(b), Occupations Code, is
20 amended to read as follows:

21 (b) The board shall review the information relating to a
22 pharmacist, pharmacy technician, pharmacy technician trainee, or
23 pharmacy license holder against whom at least three professional
24 liability claims have been reported within a five-year period in
25 the same manner as if a complaint against the pharmacist, pharmacy
26 technician, pharmacy technician trainee, or pharmacy license
27 holder had been made under Chapter 555.

1 SECTION 32. Section 411.081(i), Government Code, is amended
2 to read as follows:

3 (i) A criminal justice agency may disclose criminal history
4 record information that is the subject of an order of nondisclosure
5 under Subsection (d) to the following noncriminal justice agencies
6 or entities only:

7 (1) the State Board for Educator Certification;

8 (2) a school district, charter school, private school,
9 regional education service center, commercial transportation
10 company, or education shared service arrangement;

11 (3) the Texas Medical Board;

12 (4) the Texas School for the Blind and Visually
13 Impaired;

14 (5) the Board of Law Examiners;

15 (6) the State Bar of Texas;

16 (7) a district court regarding a petition for name
17 change under Subchapter B, Chapter 45, Family Code;

18 (8) the Texas School for the Deaf;

19 (9) the Department of Family and Protective Services;

20 (10) the Texas Juvenile Justice Department [~~Youth~~
21 ~~Commission~~];

22 (11) the Department of Assistive and Rehabilitative
23 Services;

24 (12) the Department of State Health Services, a local
25 mental health service, a local mental retardation authority, or a
26 community center providing services to persons with mental illness
27 or retardation;

- 1 (13) the Texas Private Security Board;
- 2 (14) a municipal or volunteer fire department;
- 3 (15) the Texas Board of Nursing;
- 4 (16) a safe house providing shelter to children in
5 harmful situations;
- 6 (17) a public or nonprofit hospital or hospital
7 district;
- 8 (18) ~~[the Texas Juvenile Probation Commission,~~
9 ~~(19)]~~ the securities commissioner, the banking
10 commissioner, the savings and mortgage lending commissioner, the
11 consumer credit commissioner, or the credit union commissioner;
- 12 (19) ~~(20)~~ the Texas State Board of Public
13 Accountancy;
- 14 (20) ~~(21)~~ the Texas Department of Licensing and
15 Regulation;
- 16 (21) ~~(22)~~ the Health and Human Services Commission;
- 17 (22) ~~(23)~~ the Department of Aging and Disability
18 Services;
- 19 (23) ~~(24)~~ the Texas Education Agency;
- 20 (24) ~~(25)~~ the Guardianship Certification Board;
- 21 (25) ~~(26)~~ a county clerk's office in relation to a
22 proceeding for the appointment of a guardian under Chapter XIII,
23 Texas Probate Code;
- 24 (26) ~~(27)~~ the Department of Information Resources
25 but only regarding an employee, applicant for employment,
26 contractor, subcontractor, intern, or volunteer who provides
27 network security services under Chapter 2059 to:

- 1 (A) the Department of Information Resources; or
2 (B) a contractor or subcontractor of the
3 Department of Information Resources;
4 (27) [~~(28)~~] the Court Reporters Certification Board;
5 (28) [~~(29)~~] the Texas Department of Insurance; [~~and~~]
6 (29) [~~(30)~~] the Teacher Retirement System of Texas;
7 and
8 (30) the Texas State Board of Pharmacy.

9 SECTION 33. The following provisions of the Occupations
10 Code are repealed:

- 11 (1) Chapter 567; and
12 (2) Section 568.007.

13 SECTION 34. This Act takes effect immediately if it
14 receives a vote of two-thirds of all the members elected to each
15 house, as provided by Section 39, Article III, Texas Constitution.
16 If this Act does not receive the vote necessary for immediate
17 effect, this Act takes effect September 1, 2013.