

1-1 By: Van de Putte S.B. No. 869  
 1-2 (In the Senate - Filed February 26, 2013; March 5, 2013,  
 1-3 read first time and referred to Committee on Health and Human  
 1-4 Services; March 28, 2013, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
 1-6 March 28, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 869 By: Deuell

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the regulation of the practice of pharmacy; authorizing  
 1-22 fees.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subsection (e), Section 353.204, Occupations  
 1-25 Code, is amended to read as follows:

1-26 (e) The Texas State Board of Pharmacy is responsible for  
 1-27 enforcing this chapter with regard to a violation of this chapter by  
 1-28 a pharmacist. A violation of this chapter by a pharmacist is  
 1-29 considered to be a violation of Subtitle J[, ~~other than Chapter~~  
 1-30 ~~567~~].

1-31 SECTION 2. Section 551.001, Occupations Code, is amended to  
 1-32 read as follows:

1-33 Sec. 551.001. SHORT TITLE. This [~~The chapters of this~~  
 1-34 ~~subtitle~~[, ~~other than Chapter 567~~,] may be cited as the Texas  
 1-35 Pharmacy Act.

1-36 SECTION 3. Section 551.003, Occupations Code, is amended by  
 1-37 amending Subdivision (32) and adding Subdivision (32-a) to read as  
 1-38 follows:

1-39 (32) "Pharmacy technician" means an individual  
 1-40 employed by a pharmacy whose responsibility is to provide technical  
 1-41 services that do not require professional judgment regarding  
 1-42 preparing and distributing drugs and who works under the direct  
 1-43 supervision of and is responsible to a pharmacist. The term does  
 1-44 not include a pharmacy technician trainee.

1-45 (32-a) "Pharmacy technician trainee" means an  
 1-46 individual who is registered with the board as a pharmacy  
 1-47 technician trainee and is authorized to participate in a pharmacy  
 1-48 technician training program.

1-49 SECTION 4. Section 554.002, Occupations Code, is amended to  
 1-50 read as follows:

1-51 Sec. 554.002. REGULATION OF PRACTICE OF PHARMACY. The  
 1-52 board shall regulate the practice of pharmacy in this state by:

1-53 (1) issuing a license after examination or by  
 1-54 reciprocity to an applicant qualified to practice pharmacy and  
 1-55 issuing a license to a pharmacy under this subtitle;

1-56 (2) renewing a license to practice pharmacy and a  
 1-57 license to operate a pharmacy;

1-58 (3) determining and issuing standards for recognizing  
 1-59 and approving degree requirements of colleges of pharmacy whose  
 1-60 graduates are eligible for a license in this state;

2-1 (4) specifying and enforcing requirements for  
 2-2 practical training, including an internship;

2-3 (5) enforcing the provisions of this subtitle relating  
 2-4 to:

2-5 (A) the conduct or competence of a pharmacist  
 2-6 practicing in this state and the conduct of a pharmacy operating in  
 2-7 this state; and

2-8 (B) the suspension, revocation, retirement, or  
 2-9 restriction of a license to practice pharmacy or to operate a  
 2-10 pharmacy or the imposition of an administrative penalty or  
 2-11 reprimand on a license holder;

2-12 (6) regulating the training, qualifications, and  
 2-13 employment of a pharmacist-intern, ~~and~~ pharmacy technician, and  
 2-14 pharmacy technician trainee; and

2-15 (7) determining and issuing standards for recognizing  
 2-16 and approving a pharmacy residency program for purposes of  
 2-17 Subchapter W, Chapter 61, Education Code.

2-18 SECTION 5. Subsection (b), Section 554.007, Occupations  
 2-19 Code, is amended to read as follows:

2-20 (b) The board may receive and spend money, or use gifts,  
 2-21 grants, and other funds and assets ~~[from a party, other than the~~  
 2-22 ~~state]~~, in addition to money collected under Subsection (a), in  
 2-23 accordance with state law.

2-24 SECTION 6. The heading to Section 554.053, Occupations  
 2-25 Code, is amended to read as follows:

2-26 Sec. 554.053. RULEMAKING: PHARMACY TECHNICIAN AND PHARMACY  
 2-27 TECHNICIAN TRAINEE.

2-28 SECTION 7. Subsections (a) and (b), Section 554.053,  
 2-29 Occupations Code, are amended to read as follows:

2-30 (a) The board shall establish rules for the use and the  
 2-31 duties of a pharmacy technician and pharmacy technician trainee in  
 2-32 a pharmacy licensed by the board. A pharmacy technician and  
 2-33 pharmacy technician trainee shall be responsible to and must be  
 2-34 directly supervised by a pharmacist.

2-35 (b) The board may not adopt a rule establishing a ratio of  
 2-36 pharmacists to pharmacy technicians and pharmacy technician  
 2-37 trainees in a Class C pharmacy or limiting the number of pharmacy  
 2-38 technicians or pharmacy technician trainees that may be used in a  
 2-39 Class C pharmacy.

2-40 SECTION 8. Section 557.004, Occupations Code, is amended to  
 2-41 read as follows:

2-42 Sec. 557.004. LIMITATIONS ON REGISTRATION. (a) The board  
 2-43 may:

2-44 (1) refuse to issue a registration to an applicant; or

2-45 (2) restrict, suspend, or revoke a pharmacist-intern  
 2-46 registration for a violation of this subtitle.

2-47 (b) The board may take disciplinary action against an  
 2-48 applicant for a pharmacist-intern registration or the holder of a  
 2-49 current or expired pharmacist-intern registration in the same  
 2-50 manner as against an applicant for a license or a license holder by  
 2-51 imposing a sanction authorized under Section 565.051 if the board  
 2-52 finds that the applicant or registration holder has engaged in  
 2-53 conduct described by Section 565.001.

2-54 SECTION 9. Section 559.003, Occupations Code, is amended by  
 2-55 adding Subsection (e) to read as follows:

2-56 (e) A person may not renew a license to practice pharmacy if  
 2-57 the person holds a license to practice pharmacy in another state  
 2-58 that has been suspended, revoked, canceled, or subject to an action  
 2-59 that prohibits the person from practicing pharmacy in that state.

2-60 SECTION 10. Subsection (b), Section 560.052, Occupations  
 2-61 Code, is amended to read as follows:

2-62 (b) To qualify for a pharmacy license, an applicant must  
 2-63 submit to the board:

2-64 (1) a license fee set by the board, except as provided  
 2-65 by Subsection (d); and

2-66 (2) a completed application that:

2-67 (A) is on a form prescribed by the board;

2-68 (B) is given under oath; ~~and~~

2-69 (C) includes proof that a license held in this

3-1 state or another state, if applicable, has not been restricted,  
3-2 suspended, revoked, or surrendered for any reason; and

- 3-3 (D) includes a statement of:
- 3-4 (i) the ownership;
- 3-5 (ii) the location of the pharmacy;
- 3-6 (iii) the license number of each pharmacist
- 3-7 who is employed by the pharmacy, if the pharmacy is located in this
- 3-8 state, or who is licensed to practice pharmacy in this state, if the
- 3-9 pharmacy is a Class E pharmacy;
- 3-10 (iv) the license number of the
- 3-11 pharmacist-in-charge; and
- 3-12 (v) any other information the board
- 3-13 determines necessary.

3-14 SECTION 11. Section 561.003, Occupations Code, is amended  
3-15 by adding Subsection (f) to read as follows:

3-16 (f) A pharmacy may not renew a license under this section if  
3-17 the pharmacy's license to operate in another state has been  
3-18 suspended, revoked, canceled, or subject to an action that  
3-19 prohibits the pharmacy from operating in that state.

3-20 SECTION 12. Section 562.012, Occupations Code, is amended  
3-21 to read as follows:

3-22 Sec. 562.012. SUBSTITUTION OF DOSAGE FORM PERMITTED. With  
3-23 the patient's consent [~~and notification to the practitioner~~], a  
3-24 pharmacist may dispense a dosage form of a drug different from that  
3-25 prescribed, such as a tablet instead of a capsule or a liquid  
3-26 instead of a tablet, if the dosage form dispensed:

- 3-27 (1) contains the identical amount of the active
- 3-28 ingredients as the dosage prescribed for the patient;
- 3-29 (2) is not an enteric-coated or timed release product;
- 3-30 and
- 3-31 (3) does not alter desired clinical outcomes.

3-32 SECTION 13. Section 562.103, Occupations Code, is amended  
3-33 by amending Subsection (b) and adding Subsection (c) to read as  
3-34 follows:

3-35 (b) A Class A or Class C pharmacy that serves the public  
3-36 shall:

3-37 (1) display the word "pharmacy" or a similar word or  
3-38 symbol as determined by the board in a prominent place on the front  
3-39 of the pharmacy; and

3-40 (2) display in public view the license of the  
3-41 pharmacist-in-charge of [~~each pharmacist employed in~~] the  
3-42 pharmacy.

3-43 (c) A pharmacy shall maintain and make available to the  
3-44 public on request proof that each pharmacist, pharmacist-intern,  
3-45 pharmacy technician, and pharmacist technician trainee working in  
3-46 the pharmacy holds the appropriate license or registration.

3-47 SECTION 14. Subsection (a), Section 565.001, Occupations  
3-48 Code, is amended to read as follows:

3-49 (a) The board may discipline an applicant for or the holder  
3-50 of a current or expired license to practice pharmacy if the board  
3-51 finds that the applicant or license holder has:

3-52 (1) violated this subtitle or a board rule adopted  
3-53 under this subtitle;

3-54 (2) engaged in unprofessional conduct as defined by  
3-55 board rule;

3-56 (3) engaged in gross immorality as defined by board  
3-57 rule;

3-58 (4) developed an incapacity that prevents or could  
3-59 prevent the applicant or license holder from practicing pharmacy  
3-60 with reasonable skill, competence, and safety to the public;

3-61 (5) engaged in fraud, deceit, or misrepresentation, as  
3-62 defined by board rule, in practicing pharmacy or in seeking a  
3-63 license to practice pharmacy;

3-64 (6) been convicted of or placed on deferred  
3-65 adjudication community supervision or deferred disposition or the  
3-66 applicable federal equivalent for:

- 3-67 (A) a misdemeanor:
  - 3-68 (i) involving moral turpitude; or
  - 3-69 (ii) under Chapter 481 or 483, Health and

4-1 Safety Code, or the Comprehensive Drug Abuse Prevention and Control  
 4-2 Act of 1970 (21 U.S.C. Section 801 et seq.); or  
 4-3 (B) a felony;  
 4-4 (7) used alcohol or drugs in an intemperate manner  
 4-5 that, in the board's opinion, could endanger a patient's life;  
 4-6 (8) failed to maintain records required by this  
 4-7 subtitle or failed to maintain complete and accurate records of  
 4-8 purchases or disposals of drugs listed in Chapter 481 or 483, Health  
 4-9 and Safety Code, or the Comprehensive Drug Abuse Prevention and  
 4-10 Control Act of 1970 (21 U.S.C. Section 801 et seq.);  
 4-11 (9) violated any provision of:  
 4-12 (A) Chapter 481 or 483, Health and Safety Code,  
 4-13 or the Comprehensive Drug Abuse Prevention and Control Act of 1970  
 4-14 (21 U.S.C. Section 801 et seq.), or rules relating to one of those  
 4-15 laws; or  
 4-16 (B) Section 485.031, 485.032, 485.033, or  
 4-17 485.034, Health and Safety Code;  
 4-18 (10) aided or abetted an unlicensed person in the  
 4-19 practice of pharmacy if the pharmacist knew or reasonably should  
 4-20 have known that the person was unlicensed at the time;  
 4-21 (11) refused entry into a pharmacy for an inspection  
 4-22 authorized by this subtitle if the pharmacist received notification  
 4-23 from which the pharmacist knew or reasonably should have known that  
 4-24 the attempted inspection was authorized;  
 4-25 (12) violated any pharmacy or drug statute or rule of  
 4-26 this state, another state, or the United States;  
 4-27 (13) been negligent in the practice of pharmacy;  
 4-28 (14) failed to submit to an examination after hearing  
 4-29 and being ordered to do so by the board under Section 565.052;  
 4-30 (15) dispensed a prescription drug while acting  
 4-31 outside the usual course and scope of professional practice;  
 4-32 (16) been disciplined by a pharmacy board or by  
 4-33 another health [the] regulatory board of this state or another  
 4-34 state for conduct substantially equivalent to conduct described  
 4-35 under this subsection;  
 4-36 (17) violated a disciplinary order, including a  
 4-37 confidential order or contract under the program to aid impaired  
 4-38 pharmacists and pharmacy students under Chapter 564;  
 4-39 (18) failed to adequately supervise a task delegated  
 4-40 to a pharmacy technician or pharmacy technician trainee;  
 4-41 (19) inappropriately delegated a task delegated to a  
 4-42 pharmacy technician or pharmacy technician trainee; [or]  
 4-43 (20) been responsible for a drug audit shortage; or  
 4-44 (21) been convicted or adjudicated of a criminal  
 4-45 offense that requires registration as a sex offender under Chapter  
 4-46 62, Code of Criminal Procedure.  
 4-47 SECTION 15. Subsection (c), Section 565.055, Occupations  
 4-48 Code, is amended to read as follows:  
 4-49 (c) Notwithstanding Subsection (b), information or material  
 4-50 compiled by the board in connection with an investigation may be  
 4-51 disclosed:  
 4-52 (1) during any proceeding conducted by the State  
 4-53 Office of Administrative Hearings, to the board, or a panel of the  
 4-54 board, or in a subsequent trial or appeal of a board action or  
 4-55 order;  
 4-56 (2) to a person providing a service to the board,  
 4-57 including an expert witness, investigator, or employee of an entity  
 4-58 that contracts with the board, related to a disciplinary proceeding  
 4-59 against an applicant or license holder, or a subsequent trial or  
 4-60 appeal, if the information is necessary for preparation for, or a  
 4-61 presentation in, the proceeding;  
 4-62 (3) to an entity in another jurisdiction that:  
 4-63 (A) licenses or disciplines pharmacists or  
 4-64 pharmacies; or  
 4-65 (B) registers or disciplines pharmacy  
 4-66 technicians or pharmacy technician trainees;  
 4-67 (4) to a pharmaceutical or pharmacy peer review  
 4-68 committee as described under Chapter 564;  
 4-69 (5) to a law enforcement agency;

5-1 (6) to a person engaged in bona fide research, if all  
5-2 information identifying a specific individual has been deleted;  
5-3 [~~or~~]

5-4 (7) under a court order; or

5-5 (8) to an entity that administers a board-approved  
5-6 pharmacy technician certification examination.

5-7 SECTION 16. Subsection (a), Section 565.101, Occupations  
5-8 Code, is amended to read as follows:

5-9 (a) A person whose pharmacy license, license to practice  
5-10 pharmacy, [~~or~~] pharmacy technician registration, or pharmacy  
5-11 technician trainee registration in this state has been revoked or  
5-12 restricted under this subtitle, whether voluntarily or by board  
5-13 action, may, after the first anniversary of the effective date of  
5-14 the revocation or restriction, petition the board for reinstatement  
5-15 or removal of the restriction of the license or registration.

5-16 SECTION 17. The heading to Chapter 568, Occupations Code,  
5-17 is amended to read as follows:

5-18 CHAPTER 568. PHARMACY TECHNICIANS AND PHARMACY  
5-19 TECHNICIAN TRAINEES

5-20 SECTION 18. Section 568.001, Occupations Code, is amended  
5-21 to read as follows:

5-22 Sec. 568.001. RULES; QUALIFICATIONS [~~RELATING TO PHARMACY~~  
5-23 ~~TECHNICIANS~~]. (a) In establishing rules under Section  
5-24 554.053(c), the board shall require that:

5-25 (1) a pharmacy technician:

5-26 (A) [~~(1)~~] have a high school diploma or a high  
5-27 school equivalency certificate or be working to achieve an  
5-28 equivalent diploma or certificate; and

5-29 (B) [~~(2)~~] have passed a board-approved pharmacy  
5-30 technician certification examination; and

5-31 (2) a pharmacy technician trainee have a high school  
5-32 diploma or a high school equivalency certificate or be working to  
5-33 achieve an equivalent diploma or certificate.

5-34 (b) The board shall adopt rules that permit a pharmacy  
5-35 technician and pharmacy technician trainee to perform only  
5-36 nonjudgmental technical duties under the direct supervision of a  
5-37 pharmacist.

5-38 SECTION 19. Section 568.002, Occupations Code, is amended  
5-39 to read as follows:

5-40 Sec. 568.002. [~~PHARMACY TECHNICIAN~~] REGISTRATION REQUIRED.

5-41 (a) A person must register with the board before beginning work in  
5-42 a pharmacy in this state as a pharmacy technician or a pharmacy  
5-43 technician trainee [~~pharmacy technician must register with the~~  
5-44 ~~board annually or biennially, as determined by board rule, on a form~~  
5-45 ~~prescribed by the board~~].

5-46 (b) The board may allow a pharmacy technician to petition  
5-47 the board for a special exemption from the pharmacy technician  
5-48 certification requirement if the pharmacy technician [~~+~~

5-49 [~~(1)~~] is in a county with a population of less than  
5-50 50,000 [~~, or~~

5-51 [~~(2)~~ on September 1, 2001, has been employed as a  
5-52 pharmacy technician in this state for at least 10 years and the  
5-53 technician's employer approves the petition].

5-54 (c) An applicant for registration as a pharmacy technician  
5-55 or a pharmacy technician trainee must:

5-56 (1) be of good moral character; and

5-57 (2) submit an application on a form prescribed by the  
5-58 board.

5-59 (d) A person's registration as a pharmacy technician or  
5-60 pharmacy technician trainee remains in effect as long as the person  
5-61 meets the qualifications established by board rule.

5-62 SECTION 20. Subsection (a), Section 568.003, Occupations  
5-63 Code, is amended to read as follows:

5-64 (a) The board may take disciplinary action under Section  
5-65 568.0035 against an applicant for or the holder of a current or  
5-66 expired pharmacy technician or pharmacy technician trainee  
5-67 registration if the board determines that the applicant or  
5-68 registrant has:

5-69 (1) violated this subtitle or a rule adopted under

6-1 this subtitle;

6-2 (2) engaged in gross immorality, as that term is  
6-3 defined by the rules of the board;

6-4 (3) engaged in any fraud, deceit, or  
6-5 misrepresentation, as those terms are defined by the rules of the  
6-6 board, in seeking a registration to act as a pharmacy technician or  
6-7 pharmacy technician trainee;

6-8 (4) been convicted of or placed on deferred  
6-9 adjudication community supervision or deferred disposition or the  
6-10 applicable federal equivalent for:

6-11 (A) a misdemeanor:

6-12 (i) involving moral turpitude; or  
6-13 (ii) under Chapter 481 or 483, Health and  
6-14 Safety Code, or the Comprehensive Drug Abuse Prevention and Control  
6-15 Act of 1970 (21 U.S.C. Section 801 et seq.); or

6-16 (B) a felony;

6-17 (5) developed an incapacity that prevents the  
6-18 applicant or registrant from practicing as a pharmacy technician or  
6-19 pharmacy technician trainee with reasonable skill, competence, and  
6-20 safety to the public;

6-21 (6) violated:

6-22 (A) Chapter 481 or 483, Health and Safety Code,  
6-23 or rules relating to those chapters;

6-24 (B) Sections 485.031-485.035, Health and Safety  
6-25 Code; or

6-26 (C) a rule adopted under Section 485.011, Health  
6-27 and Safety Code;

6-28 (7) violated the pharmacy or drug laws or rules of this  
6-29 state, another state, or the United States;

6-30 (8) performed duties in a pharmacy that only a  
6-31 pharmacist may perform, as defined by the rules of the board;

6-32 (9) used alcohol or drugs in an intemperate manner  
6-33 that, in the board's opinion, could endanger a patient's life;

6-34 (10) engaged in negligent, unreasonable, or  
6-35 inappropriate conduct when working in a pharmacy;

6-36 (11) violated a disciplinary order;

6-37 (12) been convicted or adjudicated of a criminal  
6-38 offense that requires registration as a sex offender under Chapter  
6-39 62, Code of Criminal Procedure; or

6-40 (13) been disciplined by a pharmacy or other health  
6-41 regulatory board of this state or another state for conduct  
6-42 substantially equivalent to conduct described by this subsection.

6-43 SECTION 21. Subsection (a), Section 568.0035, Occupations  
6-44 Code, is amended to read as follows:

6-45 (a) On a determination that a ground for discipline exists  
6-46 under Section 568.003, the board may:

6-47 (1) suspend the person's registration;

6-48 (2) revoke the person's registration;

6-49 (3) restrict the person's registration to prohibit the  
6-50 person from performing certain acts or from practicing as a  
6-51 pharmacy technician or pharmacy technician trainee in a particular  
6-52 manner for a term and under conditions determined by the board;

6-53 (4) impose an administrative penalty under Chapter  
6-54 566;

6-55 (5) refuse to issue or renew the person's  
6-56 registration;

6-57 (6) place the offender's registration on probation and  
6-58 supervision by the board for a period determined by the board and  
6-59 impose a requirement that the registrant:

6-60 (A) report regularly to the board on matters that  
6-61 are the basis of the probation;

6-62 (B) limit practice to the areas prescribed by the  
6-63 board;

6-64 (C) continue or review professional education  
6-65 until the registrant attains a degree of skill satisfactory to the  
6-66 board in each area that is the basis of the probation; or

6-67 (D) pay the board a probation fee to defray the  
6-68 costs of monitoring the registrant during the period of probation;

6-69 (7) reprimand the person;

7-1 (8) retire the person's registration as provided by  
 7-2 board rule; or  
 7-3 (9) impose more than one of the sanctions listed in  
 7-4 this section.

7-5 SECTION 22. Subsection (a), Section 568.0037, Occupations  
 7-6 Code, is amended to read as follows:

7-7 (a) The president of the board shall appoint a disciplinary  
 7-8 panel consisting of three board members to determine whether a  
 7-9 registration under this chapter should be temporarily suspended or  
 7-10 restricted. If a majority of the panel determines from evidence or  
 7-11 information presented to the panel that the registrant by  
 7-12 continuation in practice as a pharmacy technician or pharmacy  
 7-13 technician trainee would constitute a continuing threat to the  
 7-14 public welfare, the panel shall temporarily suspend or restrict the  
 7-15 registration as provided by Subsection (b).

7-16 SECTION 23. Section 568.004, Occupations Code, is amended  
 7-17 to read as follows:

7-18 Sec. 568.004. RENEWAL OF REGISTRATION. The board may adopt  
 7-19 a system in which the registrations of pharmacy technicians and  
 7-20 pharmacy technician trainees expire on various dates during the  
 7-21 year.

7-22 SECTION 24. Section 568.005, Occupations Code, is amended  
 7-23 to read as follows:

7-24 Sec. 568.005. FEES. The board may adopt fees as necessary  
 7-25 for the registration of pharmacy technicians and pharmacy  
 7-26 technician trainees.

7-27 SECTION 25. Section 568.006, Occupations Code, is amended  
 7-28 to read as follows:

7-29 Sec. 568.006. RATIO OF PHARMACISTS TO PHARMACY TECHNICIANS  
 7-30 AND PHARMACY TECHNICIAN TRAINEES. The ratio of pharmacists to  
 7-31 pharmacy technicians and pharmacy technician trainees in a Class A  
 7-32 pharmacy must be at least one pharmacist for every five pharmacy  
 7-33 technicians or pharmacy technician trainees if the Class A pharmacy  
 7-34 dispenses not more than 20 different prescription drugs and does  
 7-35 not produce intravenous or intramuscular drugs on-site.

7-36 SECTION 26. The heading to Section 568.008, Occupations  
 7-37 Code, is amended to read as follows:

7-38 Sec. 568.008. PHARMACY TECHNICIANS IN HOSPITALS WITH  
 7-39 CLINICAL PHARMACY PROGRAM.

7-40 SECTION 27. Chapter 568, Occupations Code, is amended by  
 7-41 adding Section 568.009 to read as follows:

7-42 Sec. 568.009. CHANGE OF ADDRESS OR EMPLOYMENT. Not later  
 7-43 than the 10th day after the date of a change of address or  
 7-44 employment, a pharmacy technician or a pharmacy technician trainee  
 7-45 shall notify the board in writing of the change.

7-46 SECTION 28. Subsections (a) and (c), Section 569.001,  
 7-47 Occupations Code, are amended to read as follows:

7-48 (a) Every insurer or other entity providing pharmacist's  
 7-49 professional liability insurance, pharmacy technician professional  
 7-50 and supplemental liability insurance, or druggist's professional  
 7-51 liability insurance covering a pharmacist, pharmacy technician,  
 7-52 pharmacy technician trainee, or pharmacy license holder in this  
 7-53 state shall submit to the board the information described in  
 7-54 Section 569.002 at the time prescribed.

7-55 (c) If a pharmacist, pharmacy technician, pharmacy  
 7-56 technician trainee, or pharmacy licensed in this state does not  
 7-57 carry or is not covered by pharmacist's professional liability  
 7-58 insurance, pharmacy technician professional and supplemental  
 7-59 liability insurance, or druggist's professional liability  
 7-60 insurance and is insured by a nonadmitted carrier or other entity  
 7-61 providing pharmacy professional liability insurance that does not  
 7-62 report under this subtitle, the duty to report information under  
 7-63 Section 569.002 is the responsibility of the pharmacist, pharmacy  
 7-64 technician, pharmacy technician trainee, or pharmacy license  
 7-65 holder.

7-66 SECTION 29. Subsection (a), Section 569.002, Occupations  
 7-67 Code, is amended to read as follows:

7-68 (a) The following information must be furnished to the board  
 7-69 not later than the 30th day after receipt by the insurer of the

8-1 notice of claim letter or complaint from the insured;  
 8-2 (1) the name of the insured and the insured's state  
 8-3 pharmacy technician registration number, pharmacy technician  
 8-4 trainee registration number, or pharmacist or pharmacy license  
 8-5 number;  
 8-6 (2) the policy number; and  
 8-7 (3) a copy of the notice of claim letter or complaint.  
 8-8 SECTION 30. Subsection (b), Section 569.005, Occupations  
 8-9 Code, is amended to read as follows:  
 8-10 (b) The board shall review the information relating to a  
 8-11 pharmacist, pharmacy technician, pharmacy technician trainee, or  
 8-12 pharmacy license holder against whom at least three professional  
 8-13 liability claims have been reported within a five-year period in  
 8-14 the same manner as if a complaint against the pharmacist, pharmacy  
 8-15 technician, pharmacy technician trainee, or pharmacy license  
 8-16 holder had been made under Chapter 555.  
 8-17 SECTION 31. Subsection (i), Section 411.081, Government  
 8-18 Code, is amended to read as follows:  
 8-19 (i) A criminal justice agency may disclose criminal history  
 8-20 record information that is the subject of an order of nondisclosure  
 8-21 under Subsection (d) to the following noncriminal justice agencies  
 8-22 or entities only:  
 8-23 (1) the State Board for Educator Certification;  
 8-24 (2) a school district, charter school, private school,  
 8-25 regional education service center, commercial transportation  
 8-26 company, or education shared service arrangement;  
 8-27 (3) the Texas Medical Board;  
 8-28 (4) the Texas School for the Blind and Visually  
 8-29 Impaired;  
 8-30 (5) the Board of Law Examiners;  
 8-31 (6) the State Bar of Texas;  
 8-32 (7) a district court regarding a petition for name  
 8-33 change under Subchapter B, Chapter 45, Family Code;  
 8-34 (8) the Texas School for the Deaf;  
 8-35 (9) the Department of Family and Protective Services;  
 8-36 (10) the Texas Juvenile Justice Department [~~Youth~~  
 8-37 ~~Commission~~];  
 8-38 (11) the Department of Assistive and Rehabilitative  
 8-39 Services;  
 8-40 (12) the Department of State Health Services, a local  
 8-41 mental health service, a local mental retardation authority, or a  
 8-42 community center providing services to persons with mental illness  
 8-43 or retardation;  
 8-44 (13) the Texas Private Security Board;  
 8-45 (14) a municipal or volunteer fire department;  
 8-46 (15) the Texas Board of Nursing;  
 8-47 (16) a safe house providing shelter to children in  
 8-48 harmful situations;  
 8-49 (17) a public or nonprofit hospital or hospital  
 8-50 district;  
 8-51 (18) [~~the Texas Juvenile Probation Commission,~~  
 8-52 [~~(19)~~] the securities commissioner, the banking  
 8-53 commissioner, the savings and mortgage lending commissioner, the  
 8-54 consumer credit commissioner, or the credit union commissioner;  
 8-55 (19) [~~(20)~~] the Texas State Board of Public  
 8-56 Accountancy;  
 8-57 (20) [~~(21)~~] the Texas Department of Licensing and  
 8-58 Regulation;  
 8-59 (21) [~~(22)~~] the Health and Human Services Commission;  
 8-60 (22) [~~(23)~~] the Department of Aging and Disability  
 8-61 Services;  
 8-62 (23) [~~(24)~~] the Texas Education Agency;  
 8-63 (24) [~~(25)~~] the Guardianship Certification Board;  
 8-64 (25) [~~(26)~~] a county clerk's office in relation to a  
 8-65 proceeding for the appointment of a guardian under Chapter XIII,  
 8-66 Texas Probate Code;  
 8-67 (26) [~~(27)~~] the Department of Information Resources  
 8-68 but only regarding an employee, applicant for employment,  
 8-69 contractor, subcontractor, intern, or volunteer who provides



9-1 network security services under Chapter 2059 to:  
 9-2 (A) the Department of Information Resources; or  
 9-3 (B) a contractor or subcontractor of the  
 9-4 Department of Information Resources;  
 9-5 (27) [~~(28)~~] the Court Reporters Certification Board;  
 9-6 (28) [~~(29)~~] the Texas Department of Insurance; [~~and~~]  
 9-7 (29) [~~(30)~~] the Teacher Retirement System of Texas;  
 9-8 and  
 9-9 (30) the Texas State Board of Pharmacy.

9-10 SECTION 32. The following provisions of the Occupations  
 9-11 Code are repealed:

- 9-12 (1) Chapter 567; and
- 9-13 (2) Section 568.007.

9-14 SECTION 33. This Act takes effect immediately if it  
 9-15 receives a vote of two-thirds of all the members elected to each  
 9-16 house, as provided by Section 39, Article III, Texas Constitution.  
 9-17 If this Act does not receive the vote necessary for immediate  
 9-18 effect, this Act takes effect September 1, 2013.

9-19 \* \* \* \* \*