

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 6, 2013**

**TO:** Honorable Jane Nelson, Chair, Senate Committee On Health & Human Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB404** by Schwertner (Relating to complaints filed with the Texas State Board of Pharmacy; authorizing fees.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Occupations Code relating to the investigation of complaints and the handling of disciplinary proceedings by the Board of Pharmacy. The bill would require the Board of Pharmacy to dispose of a contested case by issuing a final order based on the administrative law judge's findings of fact and conclusions of law. The bill prohibits the administrative law judge from making any recommendation regarding the appropriate action or sanction to result from a disciplinary proceeding. The bill also prohibits the Board from considering or acting on a complaint that involved an alleged violation that occurred more than seven years before the Board received the complaint. In addition, the bill would allow the Board to assess a fee against a license holder in order to recover the costs of the licensee participating in a remedial plan and to recover the costs for recording an informal meeting when the license holder requests a recording.

Based on the information provided by the Board of Pharmacy and the State Office of Administrative Hearings, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 360 State Office of Administrative Hearings, 515 Board of Pharmacy

**LBB Staff:** UP, CL, MW, ED