

By: Dean, Thompson of Harris, Zerwas, Moody,  
Oliverson, et al.

H.B. No. 3052

Substitute the following for H.B. No. 3052:

By: Thompson of Harris

C.S.H.B. No. 3052

A BILL TO BE ENTITLED

AN ACT

relating to the revocation of a pharmacy license for failure to  
operate as a pharmacy.

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

SECTION 1. Subchapter B, Chapter 565, Occupations Code, is  
amended by adding Section 565.0591 to read as follows:

Sec. 565.0591. REVOCATION OF PHARMACY LICENSE FOR FAILURE  
TO OPERATE. (a) On discovery by the board that a pharmacy licensed  
under Chapter 560 has ceased to operate for a period of 30 days or  
longer, the board shall notify the pharmacy that the license will be  
revoked.

(b) The notice must:

(1) include a statement that the pharmacy license is  
being revoked for violation of Section 565.002(a)(7); and

(2) inform the license holder of the license holder's  
right to a hearing to contest the revocation.

(c) Not later than the 20th day after the date the license  
holder receives the notice of revocation under this section, the  
license holder may submit a written request for a hearing to contest  
the revocation.

(d) If the license holder does not request a hearing within  
the period prescribed by Subsection (c), the board shall:

(1) enter an order revoking the license; and

(2) notify the license holder of the order.

1       (e) If the license holder requests a hearing within the  
2 period prescribed by Subsection (c), a panel of three board members  
3 appointed by the president of the board shall conduct the hearing.  
4 At the hearing the panel shall determine whether the license holder  
5 has violated Section 565.002(a)(7).

6       (f) If the panel determines that the license holder  
7 committed the violation, the board shall promptly:

8               (1) enter an order revoking the license; and

9               (2) notify the license holder of the order.

10       (g) Chapter 2001, Government Code, does not apply to a  
11 determination under Subsection (e).

12       SECTION 2. This Act takes effect September 1, 2019.