

BILL ANALYSIS

C.S.H.B. 3052
By: Dean
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that the current inability of the Texas State Board of Pharmacy (TSBP) to revoke the license of a nonoperational pharmacy risks increasing the potential for illicit activity. C.S.H.B. 3052 seeks to curb such activity by empowering the TSBP to revoke the license of a nonoperational pharmacy.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3052 amends the Occupations Code to require the Texas State Board of Pharmacy (TSBP), on discovery by the TSBP that a licensed pharmacy has ceased to operate for a period of 30 days or longer, to notify the pharmacy its license will be revoked. The bill sets out the required contents of such a notice and authorizes the license holder, not later than the 20th day after receiving the notice, to submit a written request for a hearing to contest the revocation. The bill requires a panel of three TSBP members appointed by the TSBP president to conduct a hearing if the license holder requests a hearing within the prescribed period and requires the panel, at the hearing, to determine whether the license holder has violated the Texas Pharmacy Act by failing to engage in or ceasing to engage in the business described in the application for a pharmacy license. The Administrative Procedure Act does not apply to such a determination. If the panel determines the license holder has committed a violation, or if the license holder does not request a hearing within the prescribed period, the TSBP must promptly enter an order revoking the license and notify the license holder of the order.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3052 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute replaces the provision establishing that a determination of a license holder's

violation of the Texas Pharmacy Act is not subject to judicial review with a provision establishing that the Administrative Procedure Act does not apply to such a determination.