By: Dean

H.B. No. 3052

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the revocation of a pharmacy license for failure to

3 operate as a pharmacy.

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

5 SECTION 1. Subchapter B, Chapter 565, Occupations Code, is

6 amended by adding Section 565.0591 to read as follows:

7 Sec. 565.0591. AUTOMATIC REVOCATION OF CERTAIN PHARMACY

8 LICENSES. (a) On discovery by the board that a pharmacy licensed

9 under Chapter 560 has ceased to operate for a period of 30 days or

10 longer, the board shall notify the pharmacy that the license will be

11 revoked.

12 (b) The notice must:

13 (1) include a statement that the pharmacy license is

14 being revoked for violation of Section 565.002(a)(7); and

15 (2) inform the license holder of the license holder's

16 right to a hearing to contest the revocation.

17 (c) Not later than the 20th day after the date the license

18 holder receives the notice of revocation under this section, the

19 license holder may submit a written request for a hearing to contest

20 the revocation.

21 (d) If the license holder does not request a hearing within

22 the period prescribed by Subsection (c), the board shall:

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

24 (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) Notwithstanding Chapter 2001, Government Code, a

11 determination under Subsection (e) is not subject to judicial

12 review.

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