

Introduced: 4/7/80  
Referred: Health, Education  
and Social Services

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

SENATE BILL NO. 550

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to professional licensing and to the  
7 practice of pharmacy; and providing for an effective  
8 date."

9

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

10

\* Section 1. AS 08.01.050(10) is amended to read:

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(10) issue duplicate licenses or certificates upon proof by  
12 the licensee of loss of the original and payment by the licensee of a  
13 fee of \$2 except as otherwise provided in this title;

14

\* Sec. 2. AS 08.01.100(a) is amended to read:

15

(a) Except as otherwise provided in this title [ALL] licenses  
16 shall be renewed biennially on the dates set by the department with the  
17 approval of the respective board.

18

\* Sec. 3. AS 08.80.020 is amended to read:

19

Sec. 08.80.020. TERM OF OFFICE. Members of the board are ap-  
20 pointed by the governor, and confirmed by the legislature in joint  
21 session, for overlapping terms of four [FIVE] years, or until their  
22 successors are appointed and qualified. The terms of the public members  
23 shall be staggered so that they do not [NO] expire at the same time. An  
24 appointment to fill a vacancy is for the unexpired term. The term of  
25 office begins on April 1 of each year. A person who has served two  
26 successive complete terms may not be reappointed until four years from  
27 the expiration of the second term.

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\* Sec. 4. AS 08.80.030 is amended by adding a new paragraph to read:

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(9) adopt requirements for licensing in addition to the

1 requirements set out in this chapter.

2 \* Sec. 5. AS 08.80.040(1) is amended to read:

3 (1) examine qualified applicants for registration as phar-  
4 macists; [EACH EXAMINATION SHALL BE GRADED BY A MEMBER WHO RESIDES IN A  
5 JUDICIAL DISTRICT OTHER THAN THE DISTRICT IN WHICH THE APPLICANT RE-  
6 SIDES,]

7 \* Sec. 6. AS 08.80.040 is amended by adding new paragraphs to read:

8 (8) adopt regulations insuring that renewal of licenses  
9 occurs every four years and is contingent upon proof of continued com-  
10 petency;

11 (9) hold hearings and order disciplinary sanctions against a  
12 person who violates this chapter or the regulations of the board.

13 \* Sec. 7. AS 08.80 is amended by adding a new section to read:

14 Sec. 08.80.105. REMOVAL OF BOARD MEMBERS. A member of the board  
15 may be removed from office by the governor for cause. The board may by  
16 regulation provide that unexcused absences from meetings constitute  
17 cause for removal.

18 \* Sec. 8. AS 08.80.110(4) is amended to read:

19 (4) pass an examination by a board of pharmacy which [BOARD]  
20 has been approved by the National Association of Boards of Pharmacy;

21 \* Sec. 9. AS 08.80.110(5) is amended to read:

22 (5) have completed at least 1,500 hours of internship training  
23 under the direct supervision of a licensed pharmacist in a licensed  
24 pharmacy, 160 [540] hours of which must have been completed after gradua-  
25 tion.

26 \* Sec. 10. AS 08.80 is amended by adding a new section to read:

27 Sec. 08.80.116. LICENSE OF PREGRADUATE AND POSTGRADUATE INTERN  
28 PHARMACIST. (a) An applicant for license as a postgraduate intern  
29 pharmacist shall meet the requirements of AS 08.80.110(1) - (3) and pay

1 the required fee.

2 (b) An applicant for license as a pregraduate pharmacist shall  
3 meet the requirements of AS 08.80.110(1) and (2) and shall be enrolled  
4 in a pharmacy school recognized by the National Association of Boards of  
5 Pharmacy as a junior. An applicant may be on recognized vacation from  
6 the pharmacy school; however, the vacation may not exceed one quarter or  
7 one semester. The pregraduate internship pharmacist shall pay the  
8 required fee.

9 (c) The license of a postgraduate or pregraduate internship phar-  
10 macist is valid for one year and may be renewed upon application.

11 \* Sec. 11. AS 08.80.140 is amended to read:

12 Sec. 08.80.140. LICENSE BY CREDENTIALS [ENDORSEMENT]. The board  
13 may license [REGISTER WITHOUT EXAMINATION] an applicant who has been  
14 certified as a registered pharmacist by the National Association of  
15 Boards of Pharmacy [,] if the applicant meets the requirements under  
16 AS 08.80.110 and passes the state jurisprudence examination [OF AS 08.-  
17 80.110(1) - (4)].

18 \* Sec. 12. AS 08.80.150 is amended to read:

19 Sec. 08.80.150. TEMPORARY LICENSE [REGISTRATION]. The board , or  
20 a member of the board, may [SHALL] issue a temporary license to an  
21 applicant applying for a license under AS 08.80.140 [REGISTRATION AS A  
22 PHARMACIST UNDER AS 08.80.140] upon written or oral examination before a  
23 member of the board and certification by the member to the secretary of  
24 the board that the applicant is competent to receive a temporary li-  
25 cense. The temporary license is valid for three months, or until the  
26 next regular meeting of the board, whichever is longer. A temporary  
27 license is not renewable, but at the discretion of the issuing board  
28 member may be extended for a period not to exceed 60 days, and an appli-  
29 cant may not receive more than one temporary license. An applicant

1 whose license [REGISTRATION] has been denied by the board is not eli-  
2 gible to receive a temporary license.

3 \* Sec. 13. AS 08.80.155(a) is amended to read:

4 (a) The board, or a member of the board, may [IN ITS DISCRETION]  
5 grant an emergency permit to a pharmacist for the purpose of providing  
6 coverage in a pharmacy which is temporarily without the services of a  
7 pharmacist due to death, illness or other emergency circumstances.

8 \* Sec. 14. AS 08.80 is amended by adding a new section to read:

9 Sec. 08.80.157. RETAIL AND WHOLESALE LICENSES. (a) If an appli-  
10 cant furnishes proof satisfactory to the board that he is equipped with  
11 land, facilities, and equipment, in fee or leased, necessary to carry on  
12 the business described in the application and the applicant complies  
13 with this chapter, applicable regulations adopted by the board, and pays  
14 fees provided for under AS 08.80.160, the board may issue

15 (1) a wholesale drug dealer license to an applicant who  
16 manufactures or distributes noncontrolled legend drugs to licensed  
17 retail pharmacists, dentists, physicians, surgeons, or veterinarians,  
18 who may legally purchase noncontrolled legend drugs at a wholesale  
19 level, or to government agencies which may legally purchase noncontrolled  
20 legend drugs at a wholesale level;

21 (2) a wholesale drug dealer license to a qualified applicant  
22 who is in compliance with the Federal Controlled Substance Act of 1969  
23 as amended; or

24 (3) a license to a retail pharmacy.

25 (b) A license under this section may not be issued to a person who  
26 has been convicted of a wilful violation of a federal law or a law of  
27 any state relating to a drug or controlled substance, or who is addicted  
28 to a drug or controlled substance. A license may not be issued to a  
29 corporation with a managing officer who has been convicted of a wilful

1 violation of a federal law or a law of any state relating to a drug or  
2 controlled substance, or who is addicted to a drug or controlled sub-  
3 stance.

4 \* Sec. 15. AS 08.80.160 is amended to read:

5 Sec. 08.80.160. FEES. The following fees shall be imposed under  
6 this chapter when applicable:

- 7 (1) examination fee..... \$50
- 8 (2) re-examination fee..... \$15
- 9 (3) [RECIPROCITY] investigation fee for licensing  
10 by credentials..... \$25
- 11 (4) [BIENNIAL] pharmacist license fee and renewal  
12 fee due every four years..... \$200 [\$50]
- 13 (5) temporary license fee..... \$20 [\$10]
- 14 (6) wholesale drug dealer [BIENNIAL] license fee  
15 and renewal fee due every four years..... \$200 [\$50]
- 16 (7) retail pharmacy [BIENNIAL] license fee  
17 and renewal fee due every four years..... \$200 [\$50]
- 18 (8) pharmacy intern license [REGISTRATION] fee..... \$10
- 19 (9) emergency permit fee..... \$10
- 20 (10) hospital pharmacy [BIENNIAL] license fee  
21 and renewal fee due every four years  
22 (in and outpatient)..... \$200 [\$50]
- 23 (11) hospital drug room [BIENNIAL] license fee  
24 and renewal fee due every four years  
25 (inpatient)..... \$25
- 26 (12) nursing home and related facilities [BIENNIAL]  
27 license fee and renewal fee due every four  
28 years for inpatient dispensing..... \$100 [\$25]
- 29 [(13) SHOPKEEPERS BIENNIAL PERMIT FEE..... \$10]

1 (14) license amendment or replacement fee..... \$10 [\$2]

2 \* Sec. 16. AS 08.80.260 is repealed and re-enacted to read:

3 Sec. 08.80.260. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

4 The board may, after a hearing, impose a disciplinary sanction on a  
5 person licensed under this chapter when the board finds that he

6 (1) secured a license through deceit, fraud, or intentional  
7 misrepresentation;

8 (2) engaged in deceit, fraud, or intentional misrepresenta-  
9 tion in the course of providing professional services or engaging in  
10 professional activities;

11 (3) advertised professional services in a false or misleading  
12 manner;

13 (4) has been convicted of a felony or other crime which  
14 affects his ability to continue to practice competently and safely;

15 (5) intentionally or negligently engaged in or permitted the  
16 performance of patient care by persons under his supervision which does  
17 not conform to minimum professional standards regardless of whether  
18 actual injury to the patient occurred;

19 (6) failed to comply with this chapter, with a regulation  
20 adopted under this chapter, or with an order of the board;

21 (7) continued to practice after becoming unfit due to

22 (A) professional incompetence;

23 (B) failure to keep informed of or use current pro-  
24 fessional theories or practices;

25 (C) addiction or severe dependency on alcohol or a drug  
26 which impairs his ability to practice safely;

27 (D) physical or mental disability;

28 (8) engaged in lewd or immoral conduct in connection with the  
29 delivery of professional service to patients;

1 (9) made a controlled substance available to a person except  
2 upon prescription issued by a licensed physician;

3 (10) was convicted of selling federal legend drugs without the  
4 prescription of a licensed physician, surgeon, dentist, or veterinarian;

5 (11) violated state or federal regulations pertaining to the  
6 provision of adequate security of dangerous drugs.

7 \* Sec. 17. AS 08.80.265 is repealed and re-enacted to read:

8 Sec. 08.80.265. DISCIPLINARY SANCTIONS. (a) When it finds that a  
9 licensee is guilty of an offense under AS 08.80.260, the board may  
10 impose the following sanctions singly or in combination:

11 (1) permanently revoke a license;

12 (2) suspend a license for a determinate period of time;

13 (3) censure a licensee;

14 (4) issue a letter of reprimand;

15 (5) place a licensee on probationary status and require the  
16 licensee to

17 (A) report regularly to the board upon matters involving  
18 the basis of probation;

19 (B) limit practice to those areas prescribed;

20 (C) continue professional education until a satisfactory  
21 degree of skill has been attained in those areas determined by the  
22 board to need improvement;

23 (6) impose limitations or conditions on the practice of a  
24 licensee.

25 (b) The board may withdraw probation status if it finds that the  
26 deficiencies which required the sanction have been remedied.

27 (c) The board may summarily suspend a license before final hearing  
28 or during the appeals process if the board finds that the licensee poses  
29 a clear and immediate danger to the public health and safety if the

1 licensee continues to practice. A person whose license is suspended  
2 under this section shall be entitled to a hearing by the board no later  
3 than seven days after the effective date of the order. The person may  
4 appeal the suspension after a hearing to a court of competent juris-  
5 diction.

6 (d) The board may reinstate a license which has been suspended or  
7 revoked if the board finds after a hearing that the applicant is able to  
8 practice with skill and safety.

9 (e) The board shall seek consistency in the application of dis-  
10 ciplinary sanctions, and significant departure from prior decisions  
11 involving similar situations shall be explained in findings of fact or  
12 orders.

13 \* Sec. 18. AS 08.80.460(a) is amended to read:

14 (a) A person who violates a provision of this chapter [FOR WHICH  
15 NO PUNISHMENT IS PROVIDED] is guilty of a class B misdemeanor [AND IS  
16 PUNISHABLE BY A FINE NOT TO EXCEED \$1,000, OR BY IMPRISONMENT FOR A  
17 PERIOD NOT TO EXCEED THREE MONTHS OR BY BOTH].

18 \* Sec. 19. AS 08.80.480 is amended by adding a new paragraph to read:

19 (20) "controlled substance" means a narcotic drug as defined  
20 in AS 17.10.230(13) or a depressant, hallucinogenic or stimulant drug as  
21 defined in AS 17.12.150(3).

22 \* Sec. 20. AS 08.80.030(6), 08.80.040(3) and (7), 08.80.117, 08.80.-  
23 160(13), 08.80.250, 08.80.260, 08.80.265, 08.80.365(2), 08.80.380, 08.80.420,  
24 and 08.80.480(19) are repealed.

25 \* Sec. 21. This Act takes effect immediately in accordance with AS 01.10.-  
26 070(c).