

Original sponsor: The Health, Education and
Social Services Committee

Offered: 6/2/80
Referred: Rules

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

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HOUSE CS FOR SENATE BILL NO. 550

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

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

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

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* 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;

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

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(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.

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

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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. 08.80.045. NON-PRESCRIPTION DRUGS. (a) Except as provided
15 in (b) of this section the board may not regulate the sale of patent or
16 non-prescription drugs which are prepackaged for use by the consumer,
17 are in their original, unbroken packaging, and are labeled in accordance
18 with requirements of the federal government.

19 (b) The board may regulate the sale and distribution of patent or
20 non-prescription drugs under AS 44.62.250 when the regulation is
21 required by an emergency to protect the public health and safety.

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

23 Sec. 08.80.105. REMOVAL OF BOARD MEMBERS. A member of the board
24 may be removed from office by the governor for cause. The board may by
25 regulation provide that unexcused absences from meetings constitute
26 cause for removal.

27 * Sec. 9. AS 08.80.110(4) is amended to read:

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

1 * Sec. 10. AS 08.80.110(5) is amended to read:

2 (5) have completed at least 1,500 hours of internship
3 training under the direct supervision of a licensed pharmacist in a
4 licensed pharmacy, 160 [540] hours of which must have been completed
5 after graduation.

6 * Sec. 11. AS 08.80 is amended by adding a new section to read:

7 Sec. 08.80.116. LICENSE OF PREGRADUATE AND POSTGRADUATE INTERN
8 PHARMACIST. (a) An applicant for license as a postgraduate intern
9 pharmacist shall meet the requirements of AS 08.80.110(1) - (3) and pay
10 the required fee.

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

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

20 * Sec. 12. AS 08.80.140 is amended to read:

21 Sec. 08.80.140. LICENSE BY CREDENTIALS [ENDORSEMENT]. The board
22 may license [REGISTER WITHOUT EXAMINATION] an applicant who has been
23 certified as a registered pharmacist by the National Association of
24 Boards of Pharmacy [,] if the applicant meets the requirements under
25 AS 08.80.110 and passes the state jurisprudence examination [OF AS 08.-
26 80.110(1) - (4)].

27 * Sec. 13. AS 08.80.150 is amended to read:

28 Sec. 08.80.150. TEMPORARY LICENSE [REGISTRATION]. The board , or
29 a member of the board, may [SHALL] issue a temporary license to an

1 applicant applying for a license under AS 08.80.140 [REGISTRATION AS A
2 PHARMACIST UNDER AS 08.80.140] upon written or oral examination before a
3 member of the board and certification by the member to the secretary of
4 the board that the applicant is competent to receive a temporary li-
5 cense. The temporary license is valid for three months, or until the
6 next regular meeting of the board, whichever is longer. A temporary
7 license is not renewable, but at the discretion of the issuing board
8 member may be extended for a period not to exceed 60 days, and an appli-
9 cant may not receive more than one temporary license. An applicant
10 whose license [REGISTRATION] has been denied by the board is not eli-
11 gible to receive a temporary license.

12 * Sec. 14. AS 08.80.155(a) is amended to read:

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

17 * Sec. 15. AS 08.80 is amended by adding a new section to read:

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

24 (1) a wholesale drug dealer license to an applicant who
25 manufactures or distributes noncontrolled legend drugs to licensed
26 retail pharmacists, dentists, physicians, surgeons, or veterinarians,
27 who may legally purchase noncontrolled legend drugs at a wholesale
28 level, or to government agencies which may legally purchase noncontrolled
29 legend drugs at a wholesale level;

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

(3) a license to a retail pharmacy.

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

* Sec. 16. AS 08.80.160 is amended to read:

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

- (1) examination fee..... \$50
- (2) re-examination fee..... \$15
- (3) [RECIPROCITY] investigation fee for licensing by credentials..... \$25
- (4) [BIENNIAL] pharmacist license fee and renewal fee due every four years..... \$200 [\$50]
- (5) temporary license fee..... \$20 [\$10]
- (6) wholesale drug dealer [BIENNIAL] license fee and renewal fee due every four years..... \$200 [\$50]
- (7) retail pharmacy [BIENNIAL] license fee and renewal fee due every four years..... \$200 [\$50]
- (8) pharmacy intern license [REGISTRATION] fee..... \$10
- (9) emergency permit fee..... \$10
- (10) hospital pharmacy [BIENNIAL] license fee

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and renewal fee due every four years

(in and outpatient)..... \$200 [\$50]

(11) hospital drug room [BIENNIAL] license fee

and renewal fee due every four years

(inpatient)..... \$100 [\$25]

(12) nursing home and related facilities [BIENNIAL]

license fee and renewal fee due every four

years for inpatient dispensing..... \$100 [\$25]

[(13) SHOPKEEPERS BIENNIAL PERMIT FEE..... \$10]

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

* Sec. 17. AS 08.80.260 is repealed and re-enacted to read:

Sec. 08.80.260. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

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

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

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

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

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

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

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

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- (7) continued to practice after becoming unfit due to
 - (A) professional incompetence;
 - (B) failure to keep informed of or use current professional theories or practices;
 - (C) addiction or severe dependency on alcohol or a drug which impairs his ability to practice safely;
 - (D) physical or mental disability;
- (8) engaged in lewd or immoral conduct in connection with the delivery of professional service to patients;
- (9) made a controlled substance available to a person except upon prescription issued by a person licensed to prescribe controlled substances;
- (10) was convicted of selling federal legend drugs without the prescription of a person licensed to prescribe federal legend drugs;
- (11) violated state or federal regulations pertaining to the provision of adequate security of dangerous drugs.

* Sec. 18. AS 08.80.265 is repealed and re-enacted to read:

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

- (1) permanently revoke a license;
- (2) suspend a license for a determinate period of time;
- (3) censure a licensee;
- (4) issue a letter of reprimand;
- (5) place a licensee on probationary status and require the licensee to
 - (A) report regularly to the board upon matters involving the basis of probation;
 - (B) limit practice to those areas prescribed;

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

4 (6) impose limitations or conditions on the practice of a
5 licensee.

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

8 (c) The board may summarily suspend a license before final hearing
9 or during the appeals process if the board finds that the licensee poses
10 a clear and immediate danger to the public health and safety if the
11 licensee continues to practice. A person whose license is suspended
12 under this section shall be entitled to a hearing by the board no later
13 than seven days after the effective date of the order. The person may
14 appeal the suspension after a hearing to a court of competent juris-
15 diction.

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

19 (e) The board shall seek consistency in the application of dis-
20 disciplinary sanctions, and significant departure from prior decisions
21 involving similar situations shall be explained in findings of fact or
22 orders.

23 * Sec. 19. AS 08.80.460(a) is amended to read:

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

28 * Sec. 20. AS 08.80.480 is amended by adding a new paragraph to read:

29 (20) "controlled substance" means a narcotic drug as defined

1 in AS 17.10.230(13) or a depressant, hallucinogenic or stimulant drug as
2 defined in AS 17.12.150(3).

3 * Sec. 21. AS 08.80.030(6), 08.80.040(3) and (7), 08.80.117, 08.80.-
4 160(13), 08.80.250, 08.80.260, 08.80.265, 08.80.365(2), 08.80.380, 08.80.-
5 420(b), and 08.80.480(19) are repealed.

6 * Sec. 22. This Act takes effect immediately in accordance with AS 01.10.-
7 070(c).

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