



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

Senate: HHS DPA/SE 7-0-1-0 | 3rd Read 28-0-2-0

House: HHS DP 8-0-0-0

SB 1087: pharmacy board; regulation

Sponsor: Senator Pace, LD 25

House Engrossed

Overview

Modifies various requirements relating to the Arizona State Board of Pharmacy (Board).

History

The [Board](#) protects the health, safety and welfare of the citizens of Arizona by regulating the practice of pharmacy and the manufacturing, distribution, sale and storage of prescription medications and devices and non-prescription medications.

The Board accomplishes its mission by: 1) issuing licenses to pharmacists, pharmacy interns and pharmacy technicians; 2) issuing permits to pharmacies, manufacturers, wholesalers, distributors, non-prescription retailers and third-party logistics providers; 3) conducting compliance inspections of permitted facilities, investigating complaints and adjudicating violations of applicable state and federal laws and rules; and 4) promulgating and reviewing state rules and regulations.

Provisions

1. Requires the Board to:
 - a) Open an investigation only if the identifying information regarding a complaint is provided or the information provided is sufficient to conduct an investigation; and
 - b) Provide notice to an applicant, licensee or permittee using only the information provided to the Board through the Board's licensing database. (Sec. 3)
2. Repeals statute requiring the Board to delegate to the Executive Director the authority to void a license or permit application and deem all fees forfeited if the applicant provided inaccurate information. (Sec. 3)
3. Allows the Board to issue nondisciplinary civil penalties, as prescribed in Board rule and issued using a Board-approved form, or delegate to the Executive Director the authority to issue nondisciplinary civil penalties. (Sec. 3)
4. Requires the Board to hold a hearing if a licensee or permittee fails to pay a Board-imposed nondisciplinary civil penalty. (Sec. 3)
5. Subjects the following acts or omissions that are not an imminent threat to the public health and safety to a nondisciplinary civil penalty:
 - a) An occurrence of either:
 - i. Failing to submit a remodel application before remodeling a permitted facility; or
 - ii. Failing to notify the Board of the relocation of a business; and
 - b) The occurrence of the following violations or any violations adopted by Board rule, with three or more violations being presented in a complaint to the Board:

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note

- i. The licensee or permittee fails to update their online profile within 10 days after a change in contact information;
 - ii. The licensee fails to update their online profile within 10 days after a change in employment or within 14 days after a change in the pharmacist in charge;
 - iii. The licensee fails to complete the required continuing education for a license renewal;
 - iv. The permittee fails to update their online profile to reflect a new designated representative within 10 days after the change;
 - v. The licensee or permittee fails to notify the Board of a new criminal charge, arrest, conviction or disciplinary action in Arizona or any other jurisdiction;
 - vi. A licensee or permittee fails to renew a license or permit within 60 days after the license or permit expires;
 - vii. A new pharmacist in charge fails to conduct a controlled substance inventory within 10 days after starting the position;
 - viii. A person fails to obtain a permit before shipping anything into Arizona that requires a permit;
 - ix. Any other violations of statute or rule that the Board or the Board's designee deems appropriate for a penalty. (Sec. 3)
6. Removes the requirement for a pharmacist licensure applicant who is seeking reciprocity to present proof to the Board of having passed the National Association of Boards of Pharmacy licensure examination. (Sec. 4)
7. Requires the Board to vacate a license suspension once the licensee pays all related reinstatement penalties. (Sec. 6)
8. Requires a pharmacist or a pharmacy technician whose license has lapsed for two or more renewal cycles to pay the fees for the two most recent renewal cycles before the license is reinstated. (Sec. 6)
9. Allows the Board to issue durable medical equipment distributor and durable medical equipment supplier permits. (Sec. 7)
10. Establishes a \$200 biennial fee for a durable medical equipment distributor permit and a \$100 biennial fee for a durable medical equipment supplier permit. (Sec. 8)
11. Specifies that continuing professional pharmacy education requirements do not apply to licensees beginning on the date of initial licensure until the date of the first license renewal. (Sec. 9)
12. Requires a third-party logistics provider to provide the Board, on request, with a list of all durable medical equipment suppliers for whom services are provided. (Sec. 10)
13. Removes failure to report the administration of a vaccine or emergency medication as an act of unprofessional conduct. (Sec. 12)
14. Requires a full-sale wholesale permittee to maintain a bond as required by federal law. (Sec. 13)
15. Requires a newly designated representative of a full-service wholesale permittee to possess and submit a valid fingerprint clearance card before a change in representation is made. (Sec. 13)
16. Requires the designated representative of a full-service wholesale permittee to possess a valid fingerprint clearance card. (Sec. 13)
17. Removes various employment requirements for designated representatives of full-service wholesale permittees. (Sec. 13)

18. Requires the Board to maintain the following records:
 - a) A record of dispensing a controlled substance for seven years after the dispensing date;
 - b) Affidavits for the purpose of an open investigation by law enforcement for two years;
 - c) Court orders requesting medical record information in the Controlled Substance Monitoring Program (CSPMP) for two years;
 - d) A patient's request of the patient's own prescription history for two years; and
 - e) A prescriber report for two years. (Sec. 14)
19. Allows the Board to determine a fee to provide certain redacted data to public or private entities for statistical, research or educational purposes. (Sec. 15)
20. Allows a registrant's professional licensing board to revoke or suspend a CSPMP registration or place a registrant on probation if a registrant:
 - a) Dispenses a controlled substance without resolving discrepancies submitted to the CSPMP's tracking system within 30 days of being notified of an error; or
 - b) Dispenses a controlled substance without resolving a failed attempt or missing transmission to the CSPMP's tracking system within 30 days of an occurrence. (Sec. 16)
21. Requires a medical practitioner, pharmacy, pharmacist or health care facility to report specified information relating to the dispensing of naloxone hydrochloride or any other opioid antagonist. (Sec. 17)
22. Prohibits naloxone hydrochloride or any other opioid antagonist from being viewable in a patient utilization report. (Sec. 17)
23. Defines *durable medical equipment*, *durable medical equipment distributor* and *durable medical equipment supplier*. (Sec. 1)
24. Modifies the definition of *notice* and *third-party logistics provider*. (Sec. 1)
25. Adds to the definition of *pharmacy* a remote hospital site pharmacy, as defined in Board rule, that operates under the direct or remote supervision by a pharmacist pursuant to Board-adopted rules. (Sec. 1)
26. Makes technical and conforming changes. (Sec. 1-20)