

SECOND REGULAR SESSION

SENATE BILL NO. 865

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Read 1st time January 6, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5458S.01I

AN ACT

To amend chapter 338, RSMo, by adding thereto one new section relating to notification of adverse action against a licensee to the board of pharmacy.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 338, RSMo, is amended by adding thereto one new
2 section, to be known as section 338.075, to read as follows:

**338.075. 1. All licensees, registrants, and permit holders of the
2 board shall report to the board:**

3 **(1) Any final adverse action taken by another licensing state,
4 jurisdiction, or government agency against any license, permit, or
5 authorization held by the person or entity to practice or operate as a
6 pharmacist, intern pharmacist, pharmacy technician, pharmacy, drug
7 distributor, drug manufacturer, or drug outsourcing facility. For
8 purposes of this section, "adverse action" shall include, but is not
9 limited to, revocation, suspension, censure, probation, disciplinary
10 reprimand, or disciplinary restriction of a license, permit, or other
11 authorization or a voluntary surrender of such license, permit, or other
12 authorization in lieu of discipline or adverse action;**

13 **(2) Any surrender of a license or authorization to practice or
14 operate as a pharmacist, intern pharmacist, pharmacy technician,
15 pharmacy, drug distributor, drug manufacturer, or drug outsourcing
16 facility while under disciplinary investigation by another licensing
17 state, jurisdiction, or governmental agency, and;**

18 **(3) Any exclusion to participate in any state or federally funded
19 health care program such as Medicare, Medicaid, or MO HealthNet for
20 fraud, abuse, or submission of any false or fraudulent claim, payment,
21 or reimbursement request.**

22 **2. Reports shall be submitted as provided by the board by rule.**

23 **3. The board shall promulgate rules to implement the provisions**
24 **of this section. Any rule or portion of a rule, as that term is defined in**
25 **section 536.010 that is created under the authority delegated in this**
26 **section shall become effective only if it complies with and is subject to**
27 **all of the provisions of chapter 536, and, if applicable, section**
28 **536.028. This section and chapter 536 are nonseverable and if any of**
29 **the powers vested with the general assembly pursuant to chapter 536,**
30 **to review, to delay the effective date, or to disapprove and annul a rule**
31 **are subsequently held unconstitutional, then the grant of rulemaking**
32 **authority and any rule proposed or adopted after August 28, 2016, shall**
33 **be invalid and void.**

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Bill

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