

PHARMACY PRACTICE ACT AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Pharmacy Practice Act by amending qualifications for a license as pharmacist, pharmacy intern, and pharmacy technician.

Highlighted Provisions:

This bill:

▶ removes the requirement that if convicted of a felony, an applicant for a license as pharmacist, pharmacy intern, and pharmacy technician must have completed the sentence for five or more years prior to the date of filing an application for licensure; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-17b-303, as last amended by Laws of Utah 2009, Chapter 183

58-17b-304, as last amended by Laws of Utah 2009, Chapter 183

58-17b-305, as last amended by Laws of Utah 2009, Chapter 183

58-17b-307, as last amended by Laws of Utah 2008, Chapter 382



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-17b-303** is amended to read:

58-17b-303. Qualifications for licensure as a pharmacist.

(1) ~~[Each]~~ An applicant for licensure as a pharmacist shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee as determined by the department under Section 63J-1-504;

(c) produce satisfactory evidence of good moral character as it relates to the applicant's ability to practice pharmacy;

(d) complete a criminal background check and be free from criminal convictions ~~[as required by Section 58-17b-307, or]~~ as described in Section 58-1-501;

(e) have no physical or mental condition of a nature which prevents the applicant from engaging in the practice of pharmacy with reasonable skill, competency, and safety to the public;

(f) have graduated and received a professional entry degree from a school or college of pharmacy which is accredited by the Accreditation Council on Pharmacy Education;

(g) have completed an internship meeting standards established by division rule made in collaboration with the board; and

(h) have successfully passed examinations required by division rule made in collaboration with the board.

(2) ~~[Each]~~ An applicant for licensure as a pharmacist whose pharmacy education was completed at a foreign pharmacy school shall, in addition to the requirements under Subsections (1)(a) through (e), (g), and (h), obtain a certification of equivalency from a credentialing agency required by division rule made in collaboration with the board.

(3) ~~[Each]~~ An applicant for a license by endorsement as a pharmacist under this section shall:

(a) submit a written application in the form prescribed by the division;

(b) pay the fee determined by the department under Section 63J-1-504;

(c) be of good moral character as required of applicants for licensure as pharmacists under Subsection (1);

(d) complete a criminal background check and be free from criminal convictions ~~[as~~

59 ~~required by Section 58-17b-307, or~~ as ~~[otherwise]~~ described in Section 58-1-501;

60 (e) have no physical or mental condition of a nature which prevents the applicant from
61 engaging in the practice of pharmacy with reasonable skill, competency, and safety to the
62 public;

63 (f) have lawfully practiced as a licensed pharmacist a minimum of 2,000 hours in the
64 four years immediately preceding the date of application;

65 (g) produce satisfactory evidence of completing the professional education required
66 under Subsection (1);

67 (h) be currently licensed in good standing as a pharmacist in another state, territory, or
68 possession of the United States;

69 (i) produce satisfactory evidence that the examination requirements are or were at the
70 time the license was issued, equal to those of this state; and

71 (j) pass the jurisprudence examination prescribed by division rule made in
72 collaboration with the board.

73 Section 2. Section **58-17b-304** is amended to read:

74 **58-17b-304. Qualifications for licensure of pharmacy intern.**

75 ~~[Each]~~ An applicant for licensure as a pharmacy intern shall:

76 (1) submit an application in a form prescribed by the division;

77 (2) pay a fee determined by the department under Section 63J-1-504;

78 (3) produce satisfactory evidence of good moral character as it relates to the applicant's
79 ability to practice pharmacy;

80 (4) complete a criminal background check and be free from criminal convictions as
81 ~~[required by Section 58-17b-307, or as otherwise]~~ described in Section 58-1-501;

82 (5) have no physical or mental condition of a nature which prevents the applicant from
83 engaging in the practice of pharmacy with reasonable skill, competency, and safety to the
84 public;

85 (6) meet the preliminary educational qualifications required by division rule made in
86 collaboration with the board; and

87 (7) meet one of the following educational criteria:

88 (a) be a current pharmacy student, a resident, or fellow in a program approved by
89 division rule made in collaboration with the board;

90 (b) have graduated and received a pharmacy degree from a school or college of
91 pharmacy which is accredited by the Accreditation Council on Pharmacy Education but not
92 completed the internship hours required by division rule for licensure as a pharmacist; or

93 (c) have graduated from a foreign pharmacy school and received certification of
94 equivalency from a credentialing agency approved by division rule made in collaboration with
95 the board.

96 Section 3. Section **58-17b-305** is amended to read:

97 **58-17b-305. Qualifications for licensure of pharmacy technician.**

98 (1) ~~[Each]~~ An applicant for licensure as a pharmacy technician shall:

99 (a) submit an application in a form prescribed by the division;

100 (b) pay a fee determined by the department under Section 63J-1-504;

101 (c) produce satisfactory evidence of good moral character as it relates to the applicant's
102 ability to practice pharmacy;

103 (d) complete a criminal background check and be free from criminal convictions as
104 ~~[required by Section 58-17b-307, or as otherwise permitted by]~~ described in Section 58-1-501;

105 (e) have no physical or mental condition of a nature which prevents the applicant from
106 engaging in practice as a pharmacy technician with reasonable skill, competency, and safety to
107 the public;

108 (f) have completed a board approved program and curriculum of education and
109 training, meeting standards established by division rule made in collaboration with the board;
110 and

111 (g) successfully complete the examinations requirement within the time periods
112 established by division rule made in collaboration with the board.

113 (2) A pharmacist whose license has been denied, revoked, suspended, or restricted for
114 disciplinary purposes ~~[shall not be]~~ is not eligible to be a licensed pharmacy technician while
115 on probation with the division.

116 Section 4. Section **58-17b-307** is amended to read:

117 **58-17b-307. Qualification for licensure -- Criminal background checks.**

118 (1) An applicant for licensure under this chapter shall:

119 (a) submit fingerprint cards in a form acceptable to the division at the time the license
120 application is filed; and ~~[shall]~~

121 **(b)** consent to a fingerprint background check regarding the application by the:
 122 **(i)** Utah Bureau of Criminal Identification; and ~~[the]~~
 123 **(ii)** Federal Bureau of Investigation ~~[regarding the application]~~.
 124 **(2)** The division shall request the Department of Public Safety to complete a Federal
 125 Bureau of Investigation criminal background check for each applicant through the National
 126 Criminal History System (NCIC) or any successor system.

127 ~~[(3) If convicted of one or more felonies, an applicant must receive an absolute~~
 128 ~~discharge from the sentences for all felony convictions five or more years prior to the date of~~
 129 ~~filing an application for licensure under this chapter.]~~

130 ~~[(4)]~~ **(3)** For purposes of conducting the criminal background check required in
 131 Subsection (1), the division shall have direct access to criminal background information
 132 maintained ~~[pursuant to]~~ under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

133 ~~[(5) Any]~~ **(4) (a)** A new pharmacist, pharmacy intern, or pharmacy technician license
 134 issued under this section ~~[shall be]~~ is conditional, pending completion of the criminal
 135 background check.

136 **(b)** Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the
 137 criminal background check required in Subsection (1), discloses the applicant has failed to
 138 accurately disclose a criminal history, the license ~~[shall be]~~ is immediately and automatically
 139 revoked upon notice to the licensee by the division.

140 ~~[(6) Any]~~ **(5)** A person whose conditional license has been revoked under Subsection
 141 ~~[(5) shall be]~~ **(4)** is entitled to a postrevocation hearing to challenge the revocation. The
 142 ~~[hearing shall be conducted]~~ division shall conduct the hearing in accordance with Title 63G,
 143 Chapter 4, Administrative Procedures Act.

Legislative Review Note
 as of 1-16-12 6:12 PM

Office of Legislative Research and General Counsel