

1 **PHARMACY PRACTICE ACT AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Peter C. Knudson**

5 House Sponsor: Merlynn T. Newbold

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

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

17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **58-17b-303**, as last amended by Laws of Utah 2009, Chapter 183

25 **58-17b-304**, as last amended by Laws of Utah 2009, Chapter 183

26 **58-17b-305**, as last amended by Laws of Utah 2009, Chapter 183

27 **58-17b-307**, as last amended by Laws of Utah 2008, Chapter 382

28
29 *Be it enacted by the Legislature of the state of Utah:*

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

31 **58-17b-303. Qualifications for licensure as a pharmacist.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

58 (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.