

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Ross**

A Bill ACT 741 OF 1991

SENATE BILL 591

For An Act To Be Entitled

8 "AN ACT RELATING TO THE ESTABLISHMENT AND ADMINISTRATION
9 OF PROGRAMS TO ASSIST PHARMACISTS IMPAIRED BY CHEMICAL
10 DEPENDENCY; AND FOR OTHER PURPOSES."

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12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. Definitions. As used in this act:

15 (1) "Board" means the Arkansas State Board of Pharmacy;

16 (2) "Board-approved intervenors" means persons trained in intervention
17 and designated by the board to implement the intervention process when
18 necessary;

19 (3) "Committee" means a committee appointed by the board to formulate
20 and administer the impaired pharmacists program;

21 (4) "Impaired pharmacist" means a pharmacist who is unable to practice
22 pharmacy with reasonable skill, competency, or safety to the public because of
23 substance abuse;

24 (5) "Impaired pharmacist program" means a plan approved by the board
25 for intervention, treatment and rehabilitation of an impaired pharmacist;

26 (6) "Intervention" means a process whereby an alleged impaired
27 pharmacist is confronted by the board or board-approved intervenors who
28 provide documentation that a problem exists and attempt to convince the
29 pharmacist to seek evaluation and treatment;

30 (7) "Rehabilitation" means the process whereby an impaired pharmacist
31 advances in an impaired pharmacists program to an optimal level of competence
32 to practice pharmacy without endangering the public; and

33 (8) "Verification" means a process whereby alleged professional
34 impairment is identified or established.

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36 SECTION 2. Administration. (a) The board may appoint a committee to

1 organize and administer a program that shall fulfill two (2) functions:

2 (1) the program shall serve as a diversion program to which the
3 board may refer licensees where appropriate in lieu of or in addition to other
4 disciplinary action; and

5 (2) the program shall also be a source of treatment or referral
6 for pharmacists who, on a strictly voluntary basis desire to avail themselves
7 of its services.

8 (b) The board may appoint a committee of five (5) persons who are
9 recovering pharmacists to serve three (3) year terms with the initial members
10 appointed to staggered terms.

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12 SECTION 3. Functions. The functions of the committee shall include:

13 (1) evaluation of pharmacists who request participation in the program;

14 (2) review and designation of treatment facilities and services to
15 which pharmacists in the program may be referred;

16 (3) receipt and review of information relating to the participation of
17 pharmacists in the program;

18 (4) assisting the pharmacists' professional association in publicizing
19 the program; and

20 (5) preparation of reports for the board.

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22 SECTION 4. Board referral. (a) The board shall inform each pharmacist
23 referred to the program by board action of the procedures followed in the
24 program, of the rights and responsibilities of the pharmacist in the program
25 and of the possible consequences of noncompliance with the program.

26 (b) The board shall be informed of the failure of a pharmacist to
27 comply with any treatment provision of a program if the committee determines
28 that the resumption of the practice of pharmacy would pose a threat to the
29 health and safety of the public.

30 (c) Participation in a program under this section shall not be a
31 defense to any disciplinary action which may be taken by the board. Further,
32 no provision of this section shall preclude the board from commencing
33 disciplinary action against a licensee who is terminated from a program
34 pursuant to this section.

35 (d) The board shall be informed when pharmacists who enter the program

1 resume professional practice.

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3 SECTION 5. Review activities. The board shall review the activities of
4 the committee. As part of this evaluation, the board may review files of all
5 participants in the impairment program. The board shall also resolve
6 complaints voiced regarding the impaired pharmacists program.

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8 SECTION 6. Civil liability. (a) All persons acting on behalf of the
9 board in the impaired pharmacists program under this section shall be
10 considered officers or employees of the State of Arkansas for purposes of:

11 (1) immunity from civil liability pursuant to §§19-10-301 et
12 seq.; and

13 (2) payment of actual damages on behalf of state officers or
14 employees pursuant to §§21-9-201 et seq.

15 (b) All patient records shall be confidential and shall not be subject
16 to public inspection except pursuant to an order of a court of competent
17 jurisdiction. However the records may be introduced as evidence in any
18 relevant proceedings before the board and shall be produced upon board
19 request.

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21 SECTION 7. Funding. The board is authorized to provide up to five
22 thousand dollars (\$5,000) per year to the committee for expenses incurred in
23 management and operation of the program. Documentation of the use of these
24 funds shall be provided to the Board of Pharmacy for review and comment.

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26 SECTION 8. All provisions of this act of a general and permanent nature
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
28 Revision Commission shall incorporate the same in the Code.

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30 SECTION 9. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.

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1 SECTION 10. All laws and parts of laws in conflict with this act are
2 hereby repealed.

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APPROVED: 3-25-91

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