

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4
5 By: Senator P. Malone

A Bill

SENATE BILL 902

For An Act To Be Entitled

8 AN ACT TO MAKE CONSISTENT THE LAW REGARDING
9 CERTIFICATES OF LICENSURE, LICENSE, REGISTRATION, OR
10 PERMITS FOR PHARMACISTS AND PHARMACIES FEES AND
11 ADVERSE ACTIONS; AND FOR OTHER PURPOSES.

Subtitle

15 AN ACT TO MAKE CONSISTENT THE LAW
16 REGARDING LICENSURE FOR PHARMACISTS AND
17 PHARMACIES AND ADVERSE ACTIONS.

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code § 17-92-108(d)(2), concerning fees charged by
23 the Arkansas State Board of Pharmacy, is amended to read as follows:

24 (2) All pharmacy technician permits, hospital pharmacy permits,
25 ambulatory care center pharmaceutical services permits, wholesale
26 distributors of legend or controlled substance permits, wholesale
27 distributors of medical equipment, legend devices, and medical gases permits,
28 institutional pharmaceutical services permits, ~~nursing home consultant~~
29 ~~pharmacist permits~~, and any other permit, license, registration, or
30 certificate issued by the board and not covered in subdivision (d)(1) of this
31 section other than internship licenses and preceptor permits ~~will be renewed~~
32 ~~for one (1) year for the 2002 renewal and~~ then shall be renewed every two (2)
33 years ~~beginning with renewals for 2003-2004.~~

34
35 SECTION 2. Arkansas Code § 17-92-310(a)(1), concerning failure to
36 renew pharmacy permits, out-of-state pharmacy permits, specialty pharmacy



1 permits, and pharmacist licenses, is amended to read as follows:

2 (a)(1)(A) All retail pharmacy permits, out-of-state pharmacy permits,
3 specialty pharmacy permits, nursing home consultant pharmacist permits, and
4 pharmacist licenses shall expire on December 31 of the first odd-numbered
5 year following the date of issuance.

6 (B) All preceptor permits shall expire on ~~May 31 of the~~
7 ~~second calendar year~~ December 31 of the first odd-numbered year following the
8 date of issuance.

9 (C)(i)(a) Intern licenses issued to foreign graduates
10 shall expire on December 31 of the second calendar year following the date of
11 issuance.

12 (b) However, an intern license issued to a
13 foreign graduate shall expire when the intern is issued a pharmacist license.

14 (ii)(a) An intern license issued to a student intern
15 shall remain valid as long as the intern maintains active student status in a
16 college of pharmacy approved by the Arkansas State Board of Pharmacy and for
17 six (6) months following graduation.

18 (b) An intern license issued to a student
19 intern shall expire six (6) months following graduation.

20 (c) An intern license issued to a student
21 intern may be reinstated if the intern resumes active student status in a
22 board-approved college of pharmacy and applies for reinstatement.

23 (d) An intern license issued to a student
24 intern shall expire when the intern is issued a pharmacist license.

25 (D) All pharmacy technician permits, hospital pharmacy
26 permits, ambulatory care center pharmaceutical services permits, wholesale
27 distributors of legend or controlled substance permits, wholesale
28 distributors of medical equipment, legend devices, and medical gases permits,
29 institutional pharmaceutical services permits, List I chemical permits,
30 ~~nursing home consultant pharmacist permits~~, and any other permit, license,
31 registration, or certificate issued by the board and not covered in
32 subdivisions (a)(1)(A)-(C) of this section shall expire on December 31 of the
33 first even-numbered year following the date of the issuance of the permit,
34 license, registration, or certificate.

35
36 SECTION 3. Arkansas Code § 17-92-311(a), concerning revocation,

1 suspension, or nonrenewal of pharmacist licenses, is amended to read as
 2 follows:

3 (a) The Arkansas State Board of Pharmacy may revoke or suspend an
 4 existing ~~license of a licensed pharmacist or may suspend the license or~~
 5 certificate of licensure, license, registration, or permit or may refuse to
 6 issue a license certificate of licensure, license, registration, or permit if
 7 the holder or applicant, as the case may be, has committed or is found guilty
 8 by the board of any of the following acts or offenses set forth:

9 (1) ~~That the~~ The person is guilty of fraud, deceit, or
 10 misrepresentation in the practice of pharmacy;

11 (2) ~~That the~~ The person is unfit or incompetent to practice
 12 pharmacy by reason of negligent performance of his or her duties;

13 (3) ~~That the~~ The person has been found guilty or pleaded guilty
 14 or nolo contendere in a criminal proceeding, regardless of whether or not the
 15 adjudication of guilt or sentence is withheld, by a court of this state,
 16 another state, or the federal government for:

17 (A) Any felony;

18 (B) Any act involving moral turpitude, gross immorality,
 19 or which is related to the qualifications, functions, and duties of a
 20 licensee; or

21 (C) Any violation of the pharmacy or drug laws or rules of
 22 this state ~~or rules and regulations pertaining thereto~~, or of the pharmacy or
 23 drug statutes, rules, and regulations of any other state or of the federal
 24 government;

25 (4) ~~That the~~ The person has become ~~insane or has been adjudged~~
 26 ~~by a court of competent jurisdiction to be of unsound mind~~ physically or
 27 mentally incompetent to practice pharmacy to such an extent as to endanger
 28 the public;

29 (5) ~~That the~~ The person has directly or indirectly aided or
 30 abetted the practice of pharmacy by a person not authorized to practice
 31 pharmacy by the board;

32 (6) ~~That the~~ The person has been guilty of fraud or
 33 misrepresentation in obtaining a license to practice pharmacy in the State of
 34 Arkansas as a licensed pharmacist;

35 (7) ~~That the~~ The person has been guilty of gross unprofessional
 36 or dishonorable conduct;

1 (8) ~~That the~~ The person has willfully violated any of the
2 provisions of the pharmacy laws of the State of Arkansas;

3 (9) ~~That the~~ The person is addicted to the use of intoxicating
4 liquors or drugs to such a degree as to render him or her unfit, in the
5 opinion of the board, to manufacture, compound, sell, or dispense drugs or
6 medicine;

7 (10) ~~That the~~ The person knowingly adulterated or caused to be
8 adulterated any drugs, chemical, or medical preparations and offered ~~such~~
9 those preparations for sale; or

10 (11) ~~That the~~ The person had his or her ~~license to practice~~
11 ~~pharmacy~~ certificate of licensure, license, registration, or permit revoked,
12 suspended, or had other disciplinary action taken, or had his or her
13 application for a ~~license~~ certificate of licensure, license, registration, or
14 permit refused, revoked, or suspended, or had voluntarily or otherwise
15 surrendered his or her ~~license~~ certificate of licensure, license,
16 registration, or permit after a disciplinary action was instituted by a duly
17 authorized professional disciplinary agency of another state.

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19 SECTION 4. Arkansas Code § 17-92-313(a)(1), concerning revocation of
20 pharmacist’s licenses, is amended to read as follows:

21 (a)(1) Before revoking the ~~license of any licensed pharmacist a~~
22 certificate of licensure, license, registration, or permit, the Arkansas
23 State Board of Pharmacy shall give the person ten (10) days’ notice in
24 writing to appear before the board, at ~~such~~ the time and place as the board
25 may direct, to show cause why his or her certificate should not be revoked.

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27 SECTION 5. Arkansas Code § 17-92-313(c), concerning revocation of
28 pharmacist’s licenses, is amended to read as follows:

29 (c) If the board finds after a hearing that the certificate ~~or license~~
30 ~~of the person~~ of licensure, license, registration, or permit should be
31 revoked, it shall be done ~~forthwith~~ immediately.

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