

ARKANSAS STATE BOARD OF PHARMACY RULES

Agency # 070.00

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RULE 1—GENERAL OPERATIONS

01-00-0001—DESCRIPTION OF THE BOARD

The Arkansas State Board of Pharmacy shall consist of six pharmacist members as provided by Arkansas Code 17-92-201 (a)(1) and (2), AND 17-92-201(d) plus a consumer member and a senior citizen consumer member as provided by Arkansas Code 17-92-201 (a)(3). The qualifications, powers, and duties of the Board shall be those enumerated by the provisions of A.C.A. 17-92-201 through 17-92-208. (10/9/80, amended 6/20/91)

01-00-0002—LOCATION OF BOARD OFFICES

The office of the Arkansas State Board of Pharmacy shall be located at 322 South Main Street, Suite 600, Little Rock, Arkansas. All communications thereto may be addressed to Arkansas State Board of Pharmacy, 322 South Main Street, Suite 600, Little Rock, AR 72201. (10/9/89, Amended 5/31/2014)

01-00-0003—REQUESTS FOR INFORMATION

Any person or persons seeking information respecting the Arkansas State Board of Pharmacy or desiring to submit complaints or charges thereto or make request thereof shall do so by filing with the Board an instrument in writing, signed by the writer and containing a return address. Communications need not be typed but should be legible. (10/9/80)

01-00-0004—LICENSEES GOVERNED BY PHARMACY PRACTICE ACT

Except wherein items of practice and procedure are specifically set out in these rules, the practice and procedure before the Arkansas State Board of Pharmacy shall be governed by the provisions of the Pharmacy Practice Act. (10/9/80 amended 8/1/2020)

01-00-0005—CERTIFICATES OF LICENSURE—EXPIRATION

- (a) All retail pharmacy permits, out-of-state pharmacy permits, specialty pharmacy permits, ~~nursing home consultant pharmacist permits~~ and pharmacist licenses shall expire on December 31 of the first odd-numbered year following the date of their issuance.
- (b) All preceptor permits shall expire on December 31 of the first odd-numbered year following the date of their issuance.
- (c)
 - (1) An intern license issued to a student intern shall expire six (6) months following graduation or when the intern is issued a pharmacist license, whichever occurs first.
 - (2) Intern licenses issued to foreign graduates shall expire on December 31 of the second calendar year following the date of issuance or when the intern is issued a pharmacist license, whichever occurs first.
- (d) Non-renewable provisional licenses and provisional registrations shall expire six months after the date of issuance or upon issuance of a pharmacist, intern or technician license, whichever comes first.
- (e) All pharmacy technician permits, hospital pharmacy permits, ambulatory care center pharmaceutical services permits, wholesale distributors of legend or controlled substance

permits, wholesale distributors of medical equipment, legend devices, and medical gases permits, institutional pharmaceutical services permits, List I chemical permits and charitable clinic permits shall expire on December 31 of the first even-numbered year following the date of the issuance of the permit, license, registration, or certificate.

- (f) Charitable clinic permits shall expire on December 31 of the first even-numbered year following the date of the issuance of the permit, license, registration, or certificate.
- (g) Every license, permit, registration, and certificate not renewed within ninety (90) days after expiration thereof shall be null and void.
 - (1) Every licensed pharmacist engaged in the active practice of pharmacy shall pay to the Board of Pharmacy a renewal fee as defined in rule 01-00-0007. If the renewal fee for any pharmacist license is unpaid by the first day of February following the date of expiration, the holder thereof must pay a penalty as defined in rule 01-00-0007 for each month thereafter, provided that if the renewal is unpaid by the first day of April following the date of expiration, such certificate shall be null and void and the holder must be reinstated as a licensed pharmacist by satisfying the State Board of Pharmacy that he or she is competent and qualified to compound and fill prescriptions, and must pay a reinstatement fee as defined in rule 01-00-0007 for each delinquent year up to a maximum as defined in rule 01-00-0007 plus the current year's renewal fee.
 - (2) Every registered pharmacy technician shall pay to the Board of Pharmacy a renewal fee as defined in rule 01-00-0007. If the renewal fee for any pharmacy technician registration is unpaid by the first day of February following the date of expiration, the holder thereof must pay a penalty as defined in rule 01-00-0007 for each month thereafter, provided that if the renewal is unpaid by the first day of April following the date of expiration, such registration shall be null and void. The pharmacy technician may be reinstated as a pharmacy technician upon payment of a reinstatement fee as defined in rule 01-00-0007 plus the renewal fee.
 - (3) ~~Every nursing home consultant shall pay to the Board of Pharmacy a renewal fee as defined in rule 01-00-0007. If the renewal fee for the nursing home consultant is unpaid by the first day of February following the date of expiration, the holder thereof must pay a penalty as defined in rule 01-00-0007 for each month thereafter, provided that if the renewal is unpaid by the first day of April following the date of expiration, such registration shall be null and void.~~
 - (4) Every preceptor shall pay to the Board of Pharmacy a renewal fee as defined in rule 01-00-0007. If the renewal fee for the preceptor license is unpaid by the first day of July following the date of expiration, the holder thereof must pay a penalty as defined in rule 01-00-0007 for each month thereafter, provided that if the renewal is unpaid by the first day of September following the date of expiration, such registration shall be null and void.
 - (5) Every licensed pharmacy, hospital, ambulatory care center, wholesale distributor, List I chemical or supplier of medical equipment, legend device or medical gas shall pay to the Board of Pharmacy a renewal fee as defined in rule 01-00-0007. If the renewal fee for any pharmacy or business license is unpaid by the first day of February following the date of expiration, the holder thereof must pay a penalty as defined in rule 01-00-0007 for each month thereafter, provided that if the renewal is unpaid by the first day of April following the date of expiration, such license shall be null and void.

(10/09/80, Revised 10/14/81, Act of 1985, 6/20/91, 8/23/96, 11/13/2006, 7/27/2011 and 8/1/2020)

01-00-0006—BOARD OF PHARMACY MEETING REQUIREMENTS

The Arkansas State Board of Pharmacy shall meet the second Tuesday and Wednesday in February, the second Tuesday and Wednesday in June or at the time of the Annual Meeting of the Arkansas Pharmacists Association in June, and the second Tuesday and Wednesday in October of each year--unless changed and announced in advance by the Board of Pharmacy. Examination of candidates for licensure to practice pharmacy shall be on dates, and at times and places as determined by the Board of Pharmacy. (10/09/80 Revised 6/20/91, and 11/13/2006)

01-00-0007—FEES CHARGED BY THE BOARD OF PHARMACY

- (a) The fees charged by the Arkansas State Board of Pharmacy for the various examinations, permits, licenses, certificates, and books issued by the board shall be as follows:
- (1) The fee for examination to become a licensed pharmacist upon examination shall be twenty-five dollars (\$25.00) plus the actual cost of the examination;
 - (2) The fee for a license as a licensed pharmacist from another state by reciprocity (license transfer) shall be two hundred dollars (\$200);
 - (3)
 - (A) The fee for the initial issuance of a license as a licensed pharmacist shall be seventy-five dollars (\$75.00);
 - (B) The fee for the renewal of a license as a licensed pharmacist shall be seventy-five dollars (\$75.00) per year;
 - (4)
 - (A)
 - (i) The fee for issuance of a permit for the first time to operate an in-state pharmacy shall be three hundred dollars (\$300);
 - (ii) The fee for renewal of a permit to operate an in-state pharmacy shall be one hundred fifty dollars (\$150) per year;
 - (iii) When there is a change of ownership of an in-state pharmacy, a new permit must be obtained, and the fee shall be one hundred fifty dollars (\$150);
 - (B)
 - (i) The fee for issuance of a permit for the first time to operate a specialty pharmacy shall be three hundred dollars (\$300);
 - (ii) The fee for renewal of a permit to operate a specialty pharmacy shall be one hundred fifty (\$150) per year;
 - (iii) When there is a change in ownership in a specialty pharmacy, a new permit must be obtained and the fee shall be one hundred fifty dollars (\$150);
 - (C)
 - (i) The fee for issuance of a permit for the first time to operate an out-of-state pharmacy shall be three hundred dollars (\$300);
 - (ii) The fee for renewal of a permit to operate an out-of-state pharmacy shall be one hundred fifty dollars (\$150) per year;
 - (iii) When there is a change in ownership in an out-of-state pharmacy or drug store, a new permit must be obtained, and the fee shall be one hundred fifty dollars (\$150);
 - (5) The fee for a certificate as a licensed pharmacist shall be ten dollars (\$10.00);

- (6) The fee for certifying grades in connection with an application for reciprocity (license transfer) shall be ten dollars (\$10.00);
- (7)
 - (A) The fee for issuance of a hospital pharmaceutical service permit shall be three hundred dollars (\$300), and the fee for the renewal of a hospital pharmaceutical service permit shall be one hundred fifty dollars (\$150) per year.
 - (B) When there is a change of ownership of a hospital pharmacy, a new permit must be obtained and the fee shall be one hundred fifty dollars (\$150);
 - (C)
 - (i) The fee for issuance of an ambulatory care center pharmaceutical service permit shall be three hundred dollars (\$300), and the fee for the renewal of an ambulatory care center pharmaceutical service permit shall be one-hundred fifty dollars (\$150) per year.
 - (ii) When there is a change in ownership of an ambulatory care center pharmacy, a new permit must be obtained and the fee shall be one hundred fifty dollars (\$150);
- (8)
 - (A) The fee for issuance of an institutional pharmaceutical services permit shall be thirty-five dollars (\$35.00);
 - (B) The fee for the renewal of an institutional pharmaceutical services permit shall be thirty-five dollars (\$35.00) per year;
- (9)
 - ~~(A) The fee for issuance of, and the reinstatement of a nursing home pharmacy consultant permit shall be thirty-five dollars (\$35.00);~~
 - ~~(B) The fee for the renewal of a nursing home consultant pharmacist permit shall be thirty-five dollars (\$35.00) per year;~~
- (10) The fee for intern registration shall be forty-five (\$45.00) dollars.
- (11) The fee for change of pharmacist in charge of any pharmacy, or other facility as described at §17-92-403 shall be thirty-five dollars (\$35.00);
- (12) The fee for reinstatement of a pharmacist license shall be seventy-five dollars (\$75.00) for each delinquent year up to a maximum of three hundred dollars (\$300);
- (13) The fee for the Arkansas State Board of Pharmacy law book shall be twenty-five dollars (\$25.00) except to interns on initial licensure, and applicants for reciprocity, on a one-time basis. A copy of each edition as revised shall be provided free to each pharmacy permit holder;
- (14) The fee for a change of location inspection shall be one hundred dollars (\$100);
- (15) The penalty for late payment of renewal of any permit, license, registration or certificate, unless specifically stated in this rule, shall be twenty dollars (\$20.00) per month beginning the first day of the second month after expiration, provided that if the renewal is not paid by the first day of the fourth month after expiration, the license shall be null and void;
- (16)
 - (A) The fee for issuance of a wholesale distributor of legend drugs and/or controlled substances permit shall be three-hundred dollars (\$300), and renewal shall be one-hundred fifty dollars (\$150) per year;
 - (B) When there is a change in ownership of a wholesale distributor of legend drugs and/or controlled substances, a new permit must be obtained and the fee shall be one hundred fifty dollars (\$150);

- (17)
 - (A) The fee for the original issuance of a pharmacy technician's permit shall not exceed thirty-five (\$35.00);
 - (B) The fee for the renewal of a pharmacy technician's permit shall not exceed thirty-five dollars (\$35.00) per year;
 - (C) There shall be no fee for the original issuance and renewal of a restricted charitable clinic pharmacy technician's permit issued pursuant to Board Rule 04-03-0004 (f).
- (18) The reinstatement fee for a pharmacy technician's permit shall not exceed forty dollars (\$40.00); and
- (19)
 - (A) The application fee for a license to sell, rent, offer to sell, or rent directly to patients in this state any home medical equipment, legend devices, or medical gases shall not exceed two-hundred fifty dollars (\$250);
 - (B) The license renewal fee shall not exceed one hundred twenty-five dollars (\$125);
 - (C) The change of ownership fee shall not exceed one hundred twenty-five dollars (\$125).
- (20) The fee for issuance of a temporary permit for a pharmacist on active duty in a branch of the armed forces shall not exceed twenty-five dollars (\$25.00) and shall be administered as defined in rule 02-00-0004.
- (21) The fee for registration as a preceptor shall be twenty dollars (\$20.00) every two years.
- (22)
 - (A) The fee for a permit for wholesale distributors of List I chemicals shall not exceed three hundred dollars (\$300), and the renewal shall not exceed one hundred fifty dollars (\$150) per year.
 - (B) When there is a change of ownership of a wholesale distributor of List I chemicals, a new permit must be obtained and the fee shall not exceed one hundred fifty dollars (\$150).
- (b) All fees for examination for license shall be payable with the application and shall not be subject to refund. All other fees are only refundable if it is determined that there has been an overpayment.
- (c) Should any license, certificate, or registration not be renewed within ninety (90) days after expiration thereof, it may be reinstated by the board as authorized in this section upon payment of the renewal fee and reinstatement fee. However, the following are not subject to reinstatement if not renewed within ninety (90) days after expiration:
 - (1) pharmacy permits,
 - (2) out of state pharmacy permits,
 - (3) specialty pharmacy permits,
 - (4) hospital permits,
 - (5) ambulatory care center pharmacy permits,
 - (6) wholesale distributors of legend drugs and/or controlled substance permits, or both; and
 - (7) suppliers of medical equipment, legend devices, and/or medical gas licenses,
 - (8) institutional pharmacy permits
 - (9) List I chemical permits
 - (10) charitable clinic permits.
- (d)

- (1) All retail pharmacy permits, out of state pharmacy permits, specialty pharmacy permits, and pharmacist licenses expiring in odd-numbered years shall be renewed every two (2) years.
- (2) All pharmacy technician permits, hospital pharmaceutical service permits, ambulatory care center pharmaceutical services permits, wholesale distributors of legend or controlled substance permits, wholesale distributors of medical equipment, legend devices, and medical gases permits, wholesale distributors of List I chemicals, institutional pharmaceutical services permits, ~~nursing home consultant pharmacists permits~~, charitable clinic permits and any other permit, license, registration, or certificate issued by the board expiring in even-numbered years and not covered in subdivision (d) (1) of this section shall be renewed every two (2) years.
- (3) The fee for any biennial renewal term will be the amount of two (2) annual renewal fees for the applicable license, permit, registration, or certification as provided in subsection (a) of this section.
- (4) If the initial licensure, permit, certificate, or registration occurs in the first year of a biennial renewal term, the applicant shall pay the appropriate initial fee and the applicable annual fee for the license, permit, certificate, or registration for the second year in the renewal term, as provided in subsection (a) of this section.
- (5) If the initial licensure, permit, certificate, or registration occurs in the second year of the biennial renewal term, the applicant will only pay the original fee and will not be responsible for the renewal fee until the biennial renewal period for the license, permit, certificate, or registration. 8/23/96 (Revised 6/19/97 8/19/99, 6/2001, 11/13/2006, 7/5/2007, and 8/1/2020)

01-00-0008—DECLARATORY ORDER

- (a) Scope-When a rule, statute or order enforced by the Board of Pharmacy or its application will injure or threatens to injure a person in his person, business, or property, that person may file a petition for a declaratory order as to the applicability of that rule, statute or order pursuant to this rule.
- (b) Petition-Contents-The petition for a declaratory order shall contain the following:
 - (1) The venue, a heading specifying the subject matter and name of the petitioner and the name of the pleading;
 - (2) The name, address, and telephone number of the petitioner and whether petitioner is licensed by the Board under A.C.A. §17-92-101 *et seq.*;
 - (3) The name, address, and telephone number of petitioner's attorney, if any;
 - (4) A statement of the injury to result from the rule, statute or order or the application thereof to the petitioner;
 - (5) The declaratory ruling that the petitioner seeks;
 - (6) The rule, statute or order which is the subject of the petition;
 - (7) The facts relevant to the order which petitioner seeks; said statement of facts shall be complete, specific and particularized to the issue presented;
 - (8) Memorandum of law and legal authorities in support of the order the petitioner seeks;
 - (9) The name, address and telephone number of each person known to the petitioner who may have a specific personal interest in the application of the rule, statute or order or who may be adversely affected by the declaratory order sought by the petitioner;
 - (10) The signature of petitioner or petitioner's attorney, if any; and
 - (11) All documents pertinent to the petition shall be attached thereto.

(c) Filing of the Petition.

- (1) The original and three copies of each petition shall be in writing and shall be delivered in person or by mail to the Executive Director of the Board during regular business hours at the Board's offices. The Executive Director shall mark said petition as having been received by the Board and return a file-marked copy to petitioner.
- (2) In order to determine whether to issue a declaratory order, the Board will consider any pertinent issues including, without limitation, the following:
 - (A) whether the petition substantially conforms to section (b) above or is not supported by a memorandum of law in support of the petition;
 - (B) whether the petition is frivolous;
 - (C) whether the matter is within the jurisdiction of the Board;
 - (D) whether there is a genuine controversy of material fact, the resolution of which is necessary before any declaratory order may issue;
 - (E) whether the order will terminate a controversy or remove uncertainties as to the applicability to petitioner of any rule, statute or order by the Board;
 - (F) whether the petition involves any subject, question or issue which the subject of a formal or informal matter or investigation currently pending before the Board, a court or other agency of this state or the federal government;
 - (G) whether the petition seeks a ruling on a moot or hypothetical question, speculative facts or will result in an advisory ruling or opinion;
 - (H) whether the issue presented is of such complexity that the Board has had insufficient opportunity or resources to develop a fully matured opinion;
 - (I) whether a declaratory order would provide a broad interpretation of a rule, statute or order applicable to an entire class of persons;
 - (J) whether the promulgation of a rule or an adjudication would be more appropriate to resolve the question; and
 - (K) any other pertinent matter.

(e) Parties

- (1) Petitioner, persons identified in section b (9) and the Board shall be parties to a proceeding for a declaratory order.
- (2) Any other person may seek leave of the Board to intervene in such proceeding and leave to intervene will be granted at the sole discretion of the Board.
- (3) A petition to intervene shall be filed in the manner as set forth the same matters as required by section b herein. Any reference to "petitioner" herein also refers to any person who has been granted leave to intervene, unless the context clearly indicates to the contrary.

(f) Disposition of Petition. The Board may:

- (1) Decide the issue solely upon the facts presented in the petition; in such case the decision will apply only to the extent of the facts presented in the petition and amended to the petition;
- (2) Require that additional information be submitted before the petition will be considered; in such event the additional facts will be considered as an amendment to the petition;
- (3) Require the petitioner to provide notice of the pendency of the proceeding to persons who may be necessary parties as well as other persons;
- (4) Schedule a time, date and place at which the Board will conduct a hearing on the petition for the purpose of obtaining additional facts or inquiring into any facts set forth in the petition; notice of the hearing and purpose therefore shall be provided to the petitioner.

- (5) Schedule a date, time and place at which the petitioner and other persons may make an oral presentation on the petition;
- (6) Consider the petition and any attachments without oral presentation; and/or
- (g) Order
 - (1) The Board shall state its decision in writing signed by the President or other person designated by the Board.
 - (2) The Board's decision deciding the issue presented by the petition shall include findings of fact and conclusions of law supporting the declaratory order; the decision may be in the form of a letter or pleading.
 - (3) The Board's decision shall be rendered and entered as promptly as reasonably practicable considering the facts, circumstances, complexity and other factors pertinent to the proceeding.
 - (4) The order shall be served upon the petitioner and any other parties to the proceeding by certified mail, return receipt requested. (Adopted 8/19/99 amended 8/1/2020)

01-00-0009—INSPECTOR'S WARNING NOTICE

- (a) Purpose. An inspector's warning notice protects public health by allowing registrants to expeditiously correct violations of laws and rules, and report these corrections to the Board in writing.
- (b) Recipient. A warning notice may be issued to any person or facility holding a permit, license, registration, certificate, or credential issued by the Arkansas State Board of Pharmacy that is found to be violating any Arkansas Code pertaining to the practice of pharmacy or any rule of the Arkansas State Board of Pharmacy as well as any other applicable state or federal law, rule, or regulation.
- (c) Issuance. An inspector may issue a warning notice at the time a violation is found.
- (d) Filing. The warning notice shall become an integral part of a file.
- (e) Failure to respond. A recipient's failure to satisfactorily respond to a warning notice may be referred by the Executive Director of the Board for review and hearing.
- (f) Board review of two warning notices. Any registrant receiving two or more warning notices within a twelve-month period may be referred to the Board for review and hearing. (Adopted 2/2001, amended 8/1/2020)

01-01-0010 – LICENSURE FOR ~~ACTIVE DUTY UNIFORMED~~ SERVICE MEMBERS, RETURNING MILITARY VETERANS, AND SPOUSES

- (a) The Arkansas State Board of Pharmacy shall allow the following individuals to secure employment with a temporary license, certificate, or permit while completing the application process for full licensure or registration if the individual is the holder in good standing of a ~~substantially equivalent~~ license, certificate, or ~~permit~~ registration with a similar scope of practice issued by another state, territory, or district of the United States:
 - (1) ~~An active duty uniformed~~ service member stationed in the State of Arkansas;
 - (2) A ~~returning military uniformed service~~ veteran who resides in or establishes residency in the State of Arkansas ~~applying for licensure within one (1) year of his or her discharge from active duty~~; or
 - (3) The spouse of :
 - (A) a person under subdivisions (a)(1) and (a)(2) of this section;

(B) A uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and

(C) A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

(b) The Arkansas State Board of Pharmacy shall expedite the process and procedures for full licensure or registration for the ~~following~~ individuals under subdivisions (a)(1), (a)(2) and (a)3 of this section.:

~~(1) An active duty uniformed service member stationed in the State of Arkansas;~~

~~(2) A returning military veteran applying within one (1) year of his or her discharge from active duty; or~~

~~(3) The spouse of a person under subdivisions (c)(1) and (2) of this section.~~

(c) Extension of license expiration and continuing education requirements.

(1) The Arkansas State Board of Pharmacy shall extend the expiration date of any individual license or registration for a deployed uniformed service member or his or her spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(2) The Arkansas State Board of Pharmacy shall allow a full or partial exemption from a continuing education requirement that is required as a component of occupational licensure for an individual who is listed in subsection (1) of this section until one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(3) Any uniformed service member or spouse exercising the exemption shall provide evidence of completion of continuing education evidence of before renewal or granting of a subsequent license.

(Adopted 8/1/2020)

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1174

By: Representative Boyd
By: Senator Bledsoe

For An Act To Be Entitled

AN ACT TO ELIMINATE THE NURSING HOME CONSULTANT
PHARMACIST PERMIT AND THE DISEASE STATE MANAGEMENT
CREDENTIAL; AND FOR OTHER PURPOSES.

Subtitle

TO ELIMINATE THE NURSING HOME CONSULTANT
PHARMACIST PERMIT AND THE DISEASE STATE
MANAGEMENT CREDENTIAL.

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

SECTION 1. Arkansas Code § 17-92-101(2), concerning the definition of
"credentialing" relating to pharmacists and pharmacies, is amended to read as
follows:

(2) "Credentialing" means the issuance of or approval by the
Arkansas State Board of Pharmacy of a credential issued to a pharmacist by an
agency approved by the Arkansas State Board of Pharmacy certifying that the
pharmacist has met the standards of competency established by the Arkansas
State Board of Pharmacy for ~~disease state management or other~~ pharmacy
services necessitating a credential;

SECTION 2. Arkansas Code § 17-92-108(a)(9), concerning fees charged by
the Arkansas State Board of Pharmacy, is repealed.

~~(9)(A) The fee for issuance of and the reinstatement of a
nursing home consultant pharmacist permit shall not exceed thirty-five
dollars (\$35.00).~~



1 ~~(B) The fee for the renewal of a nursing home consultant~~
2 ~~pharmacist permit shall not exceed thirty-five dollars (\$35.00) per year;~~
3

4 SECTION 3. Arkansas Code § 17-92-310(a)(1)(A), concerning failure to
5 renew a license, permit, or credential with the Arkansas State Board of
6 Pharmacy, is amended to read as follows:

7 (a)(1)(A) All retail pharmacy permits, out-of-state pharmacy permits,
8 specialty pharmacy permits, ~~nursing home consultant pharmacist permits,~~ and
9 pharmacist licenses shall expire on December 31 of the first odd-numbered
10 year following the date of issuance.

11
12 SECTION 4. Arkansas Code § 17-92-310(b), concerning failure to renew a
13 license, permit, or credential with the Arkansas State Board of Pharmacy, is
14 amended to read as follows:

15 (b) The penalty for late payment of renewal for pharmacists,
16 pharmacies, wholesaler/manufacturer of legend drugs and controlled
17 substances, hospital, and institutional, ~~and nursing home consultant~~ permits
18 shall be as listed in § 17-92-108, and if renewal remains unpaid ~~on~~ by April
19 1 of ~~any~~ the year, the license shall be void.

20
21 SECTION 5. Arkansas Code § 17-92-316(a) and (b), concerning
22 credentials required for professional pharmacy services, are amended to read
23 as follows:

24 (a)(1) The Arkansas State Board of Pharmacy may provide by rule for
25 credentialing and approval of pharmacists to practice ~~disease state~~
26 ~~management and any other~~ pharmacy services determined by the board to require
27 a credential.

28 (2)(A) The credentials may be issued by agencies approved by the
29 board to pharmacists who qualify ~~pursuant to~~ as a result of meeting the
30 minimum competencies, standards, objectives, and qualifications determined by
31 the board.

32 (B) However, a credential shall not authorize the
33 pharmacist to practice credentialed pharmacy ~~service~~ services in Arkansas
34 until after the board has determined that the credentialed pharmacist meets
35 the minimum competencies, standards, objectives, and qualifications
36 determined by the board.

(b) The board shall adopt rules necessary and appropriate to implement the credentialing and the board's approval of pharmacists to practice disease ~~state management and other~~ credentialed pharmacy services, including:

- (1) Identification of areas of credentialed pharmacy services;
- (2) Identification of the minimum competencies, standards, objectives, and qualifications necessary for a credential and the board's approval to practice in each area of credentialed pharmacy service;
- (3) Identification of the standards for qualifying an agency to issue credentials for areas of pharmacy services;
- (4) The procedure and standards, which may include a practical examination, for the board's review and approval of a credential and determination of a pharmacist's qualifications to practice disease ~~state management or other~~ credentialed pharmacy service services;
- (5) The conversion of a credential previously issued by the board for the practice of ~~disease state management or other~~ pharmacy service services to a credential issued by an approved credentialing agency; and
- (6) Continuing professional education and other measures to maintain pharmacists' continuing competency in ~~disease state management and other~~ credentialed pharmacy services.

SECTION 6. Arkansas Code § 17-92-412 is amended to read as follows:

17-92-412. Nursing home consultant ~~permit~~ pharmacist.

(a)(1) ~~The Arkansas State Board of Pharmacy shall provide for the issuance of nursing home consultant permits by rule.~~

(2) ~~The A nursing home~~ consultant pharmacist ~~in-charge~~ and the nursing home administrator shall be jointly responsible to ensure that a ~~valid permit~~ pharmacist license is posted at the facility at all times.

(b) The ~~board~~ Arkansas State Board of Pharmacy shall set by rule the standards by which the controlled and legend drugs and devices will be maintained in the nursing home or long-term care facility.

(c) The consultant ~~pharmacist-in-charge~~ pharmacist, in conjunction with the nursing home administrator and director of nurses, shall ensure the proper control and accountability, storage, and proper utilization of drugs and other legend devices dispensed to patients residing in the facility according to board standards as well as ~~those~~ standards established by state and federal guidelines

APPROVED: 2/4/21

State of Arkansas *As Engrossed: S1/19/21 S1/26/21*
93rd General Assembly **A Bill**
Regular Session, 2021

SENATE BILL 78

By: Senators Hill, D. Wallace, T. Garner, Irvin, J. Hendren, J. English, Flipppo
By: Representatives Lynch, Cozart, Brown, Evans

For An Act To Be Entitled

AN ACT TO ESTABLISH THE ARKANSAS OCCUPATIONAL
LICENSING OF UNIFORMED SERVICE MEMBERS, VETERANS, AND
SPOUSES ACT OF 2021; TO MODIFY THE AUTOMATIC
OCCUPATIONAL LICENSURE REQUIREMENTS FOR UNIFORMED
SERVICES MEMBERS, RETURNING UNIFORMED SERVICES
VETERANS, AND THEIR SPOUSES; TO DECLARE AN EMERGENCY;
AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH ARKANSAS OCCUPATIONAL
LICENSING OF UNIFORMED SERVICE MEMBERS,
VETERANS, AND SPOUSES ACT OF 2021; AND TO
DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 17-1-106 is repealed.

~~17-1-106. Automatic licensure for active duty service members,
returning military veterans, and spouses Definitions.~~

~~(a) As used in this section:~~

~~(1) "Automatic licensure" means the granting of occupational
licensure without an individual's having met occupational licensure
requirements provided under this title or by the rules of the occupational
licensing entity;~~

~~(2) "Occupational licensing entity" means an office, board,
commission, department, council, bureau, or other agency of state government~~



1 ~~having authority to license, certify, register, permit, or otherwise~~
2 ~~authorize an individual to engage in a particular occupation or profession;~~

3 ~~(3) "Occupational licensure" means a license, certificate,~~
4 ~~registration, permit, or other form of authorization required by law or rule~~
5 ~~that is required for an individual to engage in a particular occupation or~~
6 ~~profession; and~~

7 ~~(4) "Returning military veteran" means a former member of the~~
8 ~~United States Armed Forces who was discharged from active duty under~~
9 ~~circumstances other than dishonorable.~~

10 ~~(b)(1) An occupational licensing entity shall grant automatic~~
11 ~~licensure to engage in an occupation or profession to an individual who is~~
12 ~~the holder in good standing of a substantially equivalent occupational~~
13 ~~license issued by another state, territory, or district of the United States~~
14 ~~and is:~~

15 ~~(A) An active duty military service member stationed in~~
16 ~~the State of Arkansas;~~

17 ~~(B) A returning military veteran applying for licensure~~
18 ~~within one (1) year of his or her discharge from active duty; or~~

19 ~~(C) The spouse of a person under subdivisions (b)(1)(A)~~
20 ~~and (b)(1)(B) of this section.~~

21 ~~(2) However, an occupational licensing entity shall be required~~
22 ~~to provide automatic licensure if the proposed rules are not approved as~~
23 ~~required under subdivision (d)(2) of this section.~~

24 ~~(c) An occupational licensing entity may submit proposed rules~~
25 ~~recommending an expedited process and procedure for occupational licensure~~
26 ~~instead of automatic licensure as provided under subsection (b) of this~~
27 ~~section to the Administrative Rules Subcommittee of the Legislative Council.~~

28 ~~(d) The Administrative Rules Subcommittee of the Legislative Council~~
29 ~~shall:~~

30 ~~(1) Review the proposed rules of an occupational licensing~~
31 ~~entity as submitted for public comment and at least thirty (30) days before~~
32 ~~the public comment period ends under the Arkansas Administrative Procedure~~
33 ~~Act, § 25-15-201 et seq.; and~~

34 ~~(2) Approve the proposed rules submitted under subsection (c) of~~
35 ~~this section based on:~~

36 ~~(A) A determination of whether the expedited process and~~

1 ~~procedure provide the least restrictive means of accomplishing occupational~~
2 ~~licensure; and~~

3 ~~(B) Any other criteria the Administrative Rules~~
4 ~~Subcommittee of the Legislative Council determines necessary to achieve the~~
5 ~~objectives of this section.~~

6 ~~(e) The Administrative Rules Subcommittee of the Legislative Council~~
7 ~~may:~~

8 ~~(1) Establish a subcommittee to assist in the duties assigned~~
9 ~~under this section;~~

10 ~~(2) Assign information filed with the Administrative Rules~~
11 ~~Subcommittee of the Legislative Council under this section to one (1) or more~~
12 ~~subcommittees of the Legislative Council, including without limitation a~~
13 ~~subcommittee created under subdivision (e)(1) of this section; or~~

14 ~~(3) Delegate its duties under this section to one (1) or more~~
15 ~~subcommittees of the Legislative Council, subject to final review and~~
16 ~~approval of the Administrative Rules Subcommittee of the Legislative Council.~~

17 ~~(f) An occupational licensing entity shall:~~

18 ~~(1) Submit proposed rules authorized under subsection (e) of~~
19 ~~this section to the Administrative Rules Subcommittee of the Legislative~~
20 ~~Council for review and approval before the proposed rules are promulgated~~
21 ~~under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and~~

22 ~~(2) Provide to the House Committee on Aging, Children and Youth,~~
23 ~~Legislative and Military Affairs an annual report stating the number of~~
24 ~~automatic licenses and expedited occupational licenses granted under this~~
25 ~~section to:~~

26 ~~(A) Active duty military service members stationed in the~~
27 ~~State of Arkansas;~~

28 ~~(B) Returning military veterans applying within one (1)~~
29 ~~year of their discharge from active duty; or~~

30 ~~(C) The spouse of a person under subdivisions (f)(2)(A)~~
31 ~~and (f)(2)(B) of this section.~~

32
33 SECTION 2. Arkansas Code Title 17, Chapter 1, is amended to add an
34 additional chapter to read as follows:

35 Chapter 4 – Arkansas Occupational Licensing of Uniformed Service Members,
36 Veterans, and Spouses Act of 2021

1
2 17-4-101. Title.

3 This chapter shall be known and may be cited as the "Arkansas
4 Occupational Licensing of Uniformed Service Members, Veterans, and Spouses
5 Act of 2021".
6

7 17-4-102. Legislative findings and intent.

8 (a) The General Assembly finds that:

9 (1) Arkansas sets the bar as a national leader in addressing
10 employment barriers faced by uniformed service members, uniformed service
11 veterans, and their spouses in attaining occupational licensure;

12 (2) Arkansas is one (1) of only four (4) states to successfully
13 address eight (8) or more of the ten (10) issues affecting uniformed service
14 families identified by the United States Department of Defense;

15 (3) Of the United States Department of Defense's ten (10) issues
16 in fiscal year 2020, four (4) of the issues concern occupational licensure of
17 spouses of uniformed service members;

18 (4) Annually, fourteen and a half percent (14.5%) of spouses of
19 uniformed service members move across state lines as opposed to one and one-
20 tenth percent (1.1%) of civilians;

21 (5) States can continue to improve the attainment of
22 occupational licensure and to eliminate barriers impeding employment of
23 spouses of uniformed service members following a move across state lines;

24 (6) Acts 2019, No. 820, established provisions for the granting
25 of automatic occupational licensure or expedited occupational licensure to
26 active-duty service members, recently separated veterans, and their spouses
27 who hold occupational licensure in good standing in another jurisdiction; and

28 (7) Additional steps need to be taken to clarify, simplify, and
29 elevate the occupational licensure process for uniformed service members,
30 uniformed service veterans, and their spouses.

31 (b) It is the intent of the General Assembly to address occupational
32 licensure barriers that impede the launch and sustainability of civilian
33 occupational careers and employment faced by uniformed service members,
34 uniformed service veterans, and their spouses due to frequent uniformed
35 service assignment by:

36 (1) Providing:

1 (A) Automatic occupational licensure or expedited
2 occupational licensure to current license holders to expedite their entry
3 into the workforce of this state;

4 (B) Temporary or provisional licensure to initial
5 licensure candidates while expediting full licensure;

6 (C) Legislative oversight of rulemaking by occupational
7 licensing entities to ensure removal of occupational licensure barriers faced
8 by uniformed service members, uniformed service veterans, and their spouses;
9 and

10 (D) Guidance to assure effective rulemaking and clear
11 license application instructions to uniformed service members, uniformed
12 service veterans, and their spouses;

13 (2) Recognizing uniformed service education, training,
14 experience, and credentials of uniformed service members and uniformed
15 service veterans applying for initial occupational licensure; and

16 (3) Extending licensure expiration and any continuing education
17 required for occupational licensure renewal when a uniformed service member
18 is deployed.

19
20 17-4-103. Definitions.

21 As used in this chapter:

22 (1) "Automatic occupational licensure" means the granting of
23 occupational licensure without an individual's having met occupational
24 licensure requirements provided under this title or by the rules of the
25 relevant occupational licensing entity;

26 (2) "Occupational licensing entity" means an office, board,
27 commission, department, council, bureau, or other agency of state government
28 having authority to license, certify, register, permit, or otherwise
29 authorize an individual to engage in a particular occupation or profession,
30 not including occupations or professions within the judicial branch of
31 government or occupations or professions subject to the superintending
32 control of the Supreme Court;

33 (3) "Occupational licensure" means a license, certificate,
34 registration, permit, or other form of authorization required by law or rule
35 that is required for an individual to engage in a particular occupation or
36 profession;

1 (4) "Uniformed service member" means:

2 (A) An active or reserve component member of the United
3 States Air Force, United States Army, United States Coast Guard, United
4 States Marine Corps, United States Navy, United States Space Force, or
5 National Guard;

6 (B) An active component member of the National Oceanic and
7 Atmospheric Administration Commissioned Officer Corps; or

8 (C) An active or reserve component member of the United
9 States Commissioned Corps of the Public Health Service; and

10 (5) "Uniformed service veteran" means a former member of the
11 United States uniformed services discharged under conditions other than
12 dishonorable.

13
14 17-4-104. Applicability.

15 Unless otherwise stated in this chapter, this chapter applies to:

16 (1) A uniformed service member stationed in the State of
17 Arkansas;

18 (2) A uniformed service veteran who resides in or establishes
19 residency in the State of Arkansas; and

20 (3) The spouse of:

21 (A) A person listed in subdivision (1) or (2) of this
22 section;

23 (B) A uniformed service member who is assigned a tour of
24 duty that excludes the uniformed service member's spouse from accompanying
25 the uniformed service member and the spouse relocates to this state; and

26 (C) A uniformed service member who is killed or succumbs
27 to his or her injuries or illness in the line of duty if the spouse
28 establishes residency in the state.

29
30 17-4-105. Automatic occupational licensure.

31 An occupational licensing entity shall grant automatic occupational
32 licensure to engage in an occupation or profession to an individual who is:

33 (1) Listed in § 17-4-104; and

34 (2) The holder in good standing of occupational licensure with
35 similar scope of practice issued by another state, territory, or district of
36 the United States.

1
2 17-4-106. Expedited occupational licensure.

3 (a)(1) An occupational licensing entity may submit proposed rules
4 recommending an expedited process for the attainment of occupational
5 licensure instead of automatic occupational licensure as provided under § 17-
6 4-105 to the Administrative Rules Subcommittee of the Legislative Council.

7 (2) The proposed rules described in subdivision (a)(1) of this
8 section shall include temporary or provisional occupational licensure
9 provisions with a term of ninety (90) days or more.

10 (3) The occupational licensing entity shall provide automatic
11 occupational licensure if the proposed expedited occupational licensure rules
12 are not approved as required by § 17-4-109.

13 (b)(1) An occupational licensing entity shall expedite the process for
14 initial occupational licensure for an individual who is listed in § 17-4-104.

15 (2) An occupational licensing entity shall provide the applicant
16 under subdivision (b)(1) of this section with a temporary or provisional
17 license upon receipt of required documentation or the successful completion
18 of any examination required by the relevant occupational licensing entity to
19 enable the applicant to secure employment in his or her occupation or
20 profession.

21
22 17-4-107. Acceptance of uniformed service education, training,
23 experience, or service-issued credential.

24 An occupational licensing entity shall accept relevant and applicable
25 uniformed service education, training, or service-issued credential toward
26 occupational licensure qualifications or requirements when considering an
27 application for initial licensure of an individual who is:

28 (1) A uniformed service member; or

29 (2) A uniformed service veteran who makes an application within
30 one (1) year of his or her discharge from uniformed service.

31
32 17-4-108. Extension of license expiration and continuing education
33 requirements.

34 (a) An occupational licensing entity shall extend the expiration date
35 of an occupational licensure for a deployed uniformed service member or his
36 or her spouse for one hundred eighty (180) days following the date of the

1 uniformed service member's return from deployment.

2 (b)(1) An occupational licensing entity shall allow a full or partial
3 exemption from a continuing education requirement that is required as a
4 component of occupational licensure for an individual who is listed in
5 subsection (a) of this section until one hundred eighty (180) days following
6 the date of the uniformed service member's return from deployment.

7 (2) An occupational licensing entity that allows full or partial
8 exemption from continuing education requirements may require evidence of
9 completion of continuing education before granting a subsequent occupational
10 licensure or authorizing the renewal of an occupational licensure.

11
12 17-4-109. Legislative oversight of rules.

13 (a) The Administrative Rules Subcommittee of the Legislative Council
14 shall:

15 (1) Review the proposed rules of an occupational licensing
16 entity as submitted for public comment at least thirty (30) days before the
17 public comment period ends under the Arkansas Administrative Procedure Act, §
18 25-15-201 et seq.; and

19 (2) Approve the proposed rules submitted under § 17-4-106 based
20 on:

21 (A) A determination of whether the expedited process
22 provides the least restrictive means of attaining occupational licensure; and

23 (B) Any other criteria the Administrative Rules
24 Subcommittee of the Legislative Council determines necessary to achieve the
25 objectives of this section.

26 (b) The Administrative Rules Subcommittee of the Legislative Council
27 may:

28 (1) Establish a further subcommittee to assist in the duties
29 assigned to the Administrative Rules Subcommittee of the Legislative Council
30 under this section;

31 (2) Assign information filed with the Administrative Rules
32 Subcommittee of the Legislative Council under this section to one (1) or more
33 subcommittees of the Legislative Council, including without limitation a
34 subcommittee created under subdivision (b)(1) of this section; or

35 (3) Delegate the duties of the Administrative Rules Subcommittee
36 of the Legislative Council under this section to one (1) or more

1 subcommittees of the Legislative Council, which shall be subject to the final
2 review and approval of the Administrative Rules Subcommittee of the
3 Legislative Council.

4
5 17-4-110. Responsibilities of occupational licensing entities.

6 An occupational licensing entity shall:

7 (1) Submit proposed rules authorized under § 17-4-106 to the
8 Administrative Rules Subcommittee of the Legislative Council for review and
9 approval before the proposed rules are promulgated under the Arkansas
10 Administrative Procedure Act, § 25-15-201 et seq.;

11 (2) If the proposed rules are not approved as required under §
12 17-4-109, provide automatic occupational licensure to an individual listed in
13 § 17-4-104;

14 (3) Post prominently on the occupational licensing entity's
15 website a link entitled "Military Member Licensure" that directly leads to
16 information applicable to an individual listed in § 17-4-104; and

17 (4) Provide to the House Committee on Aging, Children and Youth,
18 Legislative and Military Affairs an annual report stating the number of
19 individuals granted automatic occupational licensure and expedited
20 occupational licensure under this chapter.

21
22 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that current laws and
24 administrative rules regarding the issuance of occupational licenses,
25 certificates, and permits are barriers and create a hardship for uniformed
26 service members, uniformed service veterans, and their spouses; that
27 additional expedited processes, automatic licensure, and extended expiration
28 dates of occupational licenses, certificates, and permits is needed to ensure
29 that uniformed service members, uniformed service veterans, and their spouses
30 may practice their chosen occupation or profession in the State of Arkansas;
31 and that this act is immediately necessary to remove barriers and hardships
32 in obtaining occupational licenses, certificates, and permits for uniformed
33 service members, uniformed service veterans, and their spouses. Therefore, an
34 emergency is declared to exist, and this act being immediately necessary for
35 the preservation of the public peace, health, and safety shall become
36 effective on:

1 (1) The date of its approval by the Governor;

2 (2) If the bill is neither approved nor vetoed by the Governor,
3 the expiration of the period of time during which the Governor may veto the
4 bill; or

5 (3) If the bill is vetoed by the Governor and the veto is
6 overridden, the date the last house overrides the veto.

7
8
9 */s/Hill*

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12 **APPROVED: 2/23/21**
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