

House Engrossed Senate Bill
pharmacy technician trainees; pharmacists; compounding

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1569

AN ACT

AMENDING SECTIONS 32-1901, 32-1901.01, 32-1905, 32-1921.01, 32-1923.01, 32-1924, 32-1927, 32-1927.01, 32-1927.02, 32-1934, 32-1996 AND 36-2604, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA STATE BOARD OF PHARMACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1901, Arizona Revised Statutes, is amended to
3 read:

4 32-1901. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administer" means directly applying a controlled substance,
7 prescription-only drug, dangerous drug or narcotic drug, whether by
8 injection, inhalation, ingestion or any other means, to the body of a
9 patient or research subject by a practitioner or by the practitioner's
10 authorized agent or the patient or research subject at the direction of
11 the practitioner.

12 2. "Advertisement" means all representations that are disseminated
13 in any manner or by any means other than by labeling for the purpose of
14 inducing, or that are likely to induce, directly or indirectly, the
15 purchase of drugs, devices, poisons or hazardous substances.

16 3. "Advisory letter" means a nondisciplinary letter to notify a
17 licensee or permittee that either:

18 (a) While there is insufficient evidence to support disciplinary
19 action, the board believes that continuation of the activities that led to
20 the investigation may result in further board action against the licensee
21 or permittee.

22 (b) The violation is a minor or technical violation that is not of
23 sufficient merit to warrant disciplinary action.

24 (c) While the licensee or permittee has demonstrated substantial
25 compliance through rehabilitation, remediation or reeducation that has
26 mitigated the need for disciplinary action, the board believes that
27 repeating the activities that led to the investigation may result in
28 further board action against the licensee or permittee.

29 4. "Antiseptic", if a drug is represented as such on its label,
30 means a representation that it is a germicide, except in the case of a
31 drug purporting to be, or represented as, an antiseptic for inhibitory use
32 as a wet dressing, ointment or dusting powder or other use that involves
33 prolonged contact with the body.

34 5. "Authorized officers of the law" means legally empowered peace
35 officers, compliance officers of the board of pharmacy and agents of the
36 division of narcotics enforcement and criminal intelligence of the
37 department of public safety.

38 6. "Automated prescription-dispensing kiosk" means a mechanical
39 system that is operated as an extension of a pharmacy, that maintains all
40 transaction information within the pharmacy operating system, that is
41 separately permitted from the pharmacy and that performs operations that
42 either:

43 (a) Accept a prescription or refill order, store prepackaged or
44 repackaged medications, label and dispense patient-specific prescriptions
45 and provide counseling on new or refilled prescriptions.

1 (b) Dispense or deliver a prescription or refill that has been
2 prepared by or on behalf of the pharmacy that oversees the automated
3 prescription-dispensing kiosk.

4 7. "Board" or "board of pharmacy" means the Arizona state board of
5 pharmacy.

6 8. "Certificate of composition" means a list of a product's
7 ingredients.

8 9. "Certificate of free sale" means a document that authenticates a
9 product that is generally and freely sold in domestic or international
10 channels of trade.

11 10. "Color additive" means a material that either:

12 (a) Is any dye, pigment or other substance that is made by a
13 process of synthesis or similar artifice or that is extracted, isolated or
14 otherwise derived, with or without intermediate or final change of
15 identity, from any vegetable, animal, mineral or other source.

16 (b) If added or applied to a drug, or to the human body or any part
17 of the human body, is capable of imparting color, except that color
18 additive does not include any material that has been or may be exempted
19 under the federal act. Color includes black, white and intermediate
20 grays.

21 11. "Compounding" means preparing, mixing, assembling, packaging or
22 labeling a drug by a pharmacist or an intern or pharmacy technician under
23 the pharmacist's supervision, for the purpose of dispensing to a patient
24 based on a valid prescription order. Compounding includes preparing drugs
25 in anticipation of prescription orders prepared on routine, regularly
26 observed prescribing patterns and preparing drugs as an incident to
27 research, teaching or chemical analysis or for administration by a medical
28 practitioner to the medical practitioner's patient and not for sale or
29 dispensing. Compounding does not include preparing commercially available
30 products from bulk compounds or preparing drugs for sale to pharmacies,
31 practitioners or entities for the purpose of dispensing or distribution.

32 12. "Compressed medical gas distributor" means a person that holds
33 a current permit issued by the board to distribute compressed medical
34 gases to compressed medical gas suppliers and other entities that are
35 registered, licensed or permitted to use, administer or distribute
36 compressed medical gases.

37 13. "Compressed medical gases" means gases and liquid oxygen that a
38 compressed medical gas distributor or manufacturer has labeled in
39 compliance with federal law.

40 14. "Compressed medical gas order" means an order for compressed
41 medical gases that is issued by a medical practitioner.

1 15. "Compressed medical gas supplier" means a person that holds a
2 current permit issued by the board to supply compressed medical gases
3 pursuant to a compressed medical gas order and only to the consumer or the
4 patient.

5 16. "Controlled substance" means a drug, substance or immediate
6 precursor that is identified, defined or listed in title 36, chapter 27,
7 article 2 or the rules adopted pursuant to title 36, chapter 27,
8 article 2.

9 17. "Corrosive" means any substance that when it comes in contact
10 with living tissue will cause destruction of the tissue by chemical
11 action.

12 18. "Counterfeit drug" means a drug that, or the container or
13 labeling of which, without authorization, bears the trademark, trade name
14 or other identifying mark, imprint, number or device, or any likeness of
15 these, of a manufacturer, distributor or dispenser other than the person
16 that in fact manufactured, distributed or dispensed that drug.

17 19. "Dangerous drug" has the same meaning prescribed in section
18 13-3401.

19 20. "Day" means a business day.

20 21. "Decree of censure" means an official action that is taken by
21 the board and that may include a requirement for restitution of fees to a
22 patient or consumer.

23 22. "Deliver" or "delivery" means the actual, constructive or
24 attempted transfer from one person to another whether or not there is an
25 agency relationship.

26 23. "Deputy director" means a pharmacist who is employed by the
27 board and selected by the executive director to perform duties as
28 prescribed by the executive director.

29 24. "Device", except as used in paragraph 18 of this section,
30 section 32-1965, paragraph 4 and section 32-1967, subsection A, paragraph
31 15 and subsection C, means an instrument, apparatus or contrivance,
32 including its components, parts and accessories, including all such items
33 under the federal act, that is intended either:

34 (a) For use in diagnosing, curing, mitigating, treating or
35 preventing disease in the human body or other animals.

36 (b) To affect the structure or any function of the human body or
37 other animals.

38 25. "Director" means the director of the division of narcotics
39 enforcement and criminal investigation of the department of public safety.

40 26. "Direct supervision of a pharmacist" means that the pharmacist
41 is present. If relating to the sale of certain items, direct supervision
42 of a pharmacist means that a pharmacist determines the legitimacy or
43 advisability of a proposed purchase of those items.

44 27. "Dispense" means to deliver to an ultimate user or research
45 subject by or pursuant to the lawful order of a practitioner, including

1 prescribing, administering, packaging, labeling or compounding as
2 necessary to prepare for that delivery.

3 28. "Dispenser" means a practitioner who dispenses.

4 29. "Distribute" means to deliver, other than by administering or
5 dispensing.

6 30. "Distributor" means a person who distributes.

7 31. "Drug" means:

8 (a) Articles that are recognized, or for which standards or
9 specifications are prescribed, in the official compendium.

10 (b) Articles that are intended for use in the diagnosis, cure,
11 mitigation, treatment or prevention of disease in the human body or other
12 animals.

13 (c) Articles other than food that are intended to affect the
14 structure or any function of the human body or other animals.

15 (d) Articles that are intended for use as a component of any
16 articles specified in subdivision (a), (b) or (c) of this paragraph but
17 does not include devices or their components, parts or accessories.

18 32. "Drug enforcement administration" means the drug enforcement
19 administration of the United States department of justice or its successor
20 agency.

21 33. "Drug or device manufacturing" means producing, preparing,
22 propagating or processing a drug or device, either directly or indirectly,
23 by extraction from substances of natural origin or independently by means
24 of chemical synthesis and includes any packaging or repackaging of
25 substances or labeling or relabeling of its container and promoting and
26 marketing the same. Drug or device manufacturing does not include
27 compounding.

28 34. "Durable medical equipment" means technologically sophisticated
29 medical equipment as prescribed by the board in rule that a patient or
30 consumer may use in a home or residence and that may be a
31 prescription-only device.

32 35. "Durable medical equipment distributor":

33 (a) Means a person that stores or distributes durable medical
34 equipment other than to the patient or consumer.

35 (b) Includes a virtual durable medical equipment distributor as
36 prescribed in rule by the board.

37 36. "Durable medical equipment supplier":

38 (a) Means a person that sells, leases or supplies durable medical
39 equipment to the patient or consumer.

40 (b) Includes a virtual durable medical equipment supplier as
41 prescribed in rule by the board.

42 37. "Economic poison" means any substance that alone, in chemical
43 combination with or in formulation with one or more other substances is a
44 pesticide within the meaning of the laws of this state or the federal

1 insecticide, fungicide and rodenticide act and that is used in producing,
2 storing or transporting raw agricultural commodities.

3 38. "Enteral feeding" means nourishment that is provided by means
4 of a tube inserted into the stomach or intestine.

5 39. "Established name", with respect to a drug or ingredient of a
6 drug, means any of the following:

7 (a) The applicable official name.

8 (b) If there is no such name and the drug or ingredient is an
9 article recognized in an official compendium, the official title in an
10 official compendium.

11 (c) If neither subdivision (a) nor (b) of this paragraph applies,
12 the common or usual name of the drug.

13 40. "Executive director" means the executive director of the board
14 of pharmacy.

15 41. "Federal act" means the federal laws and regulations that
16 pertain to drugs, devices, poisons and hazardous substances and that are
17 official at the time any drug, device, poison or hazardous substance is
18 affected by this chapter.

19 42. "Full-service wholesale permittee":

20 (a) Means a permittee who may distribute prescription-only drugs
21 and devices, controlled substances and over-the-counter drugs and devices
22 to pharmacies or other legal outlets from a place devoted in whole or in
23 part to wholesaling these items.

24 (b) Includes a virtual wholesaler as defined in rule by the board.

25 43. "Good manufacturing practice" means a system for ensuring that
26 products are consistently produced and controlled according to quality
27 standards and covering all aspects of design, monitoring and control of
28 manufacturing processes and facilities to ensure that products do not pose
29 any risk to the consumer or public.

30 44. "Highly toxic" means any substance that falls within any of the
31 following categories:

32 (a) Produces death within fourteen days in half or more than half
33 of a group of ten or more laboratory white rats each weighing between two
34 hundred and three hundred grams, at a single dose of fifty milligrams or
35 less per kilogram of body weight, when orally administered.

36 (b) Produces death within fourteen days in half or more than half
37 of a group of ten or more laboratory white rats each weighing between two
38 hundred and three hundred grams, if inhaled continuously for a period of
39 one hour or less at an atmospheric concentration of two hundred parts per
40 million by volume or less of gas or vapor or two milligrams per liter by
41 volume or less of mist or dust, provided the concentration is likely to be
42 encountered by humans if the substance is used in any reasonably
43 foreseeable manner.

44 (c) Produces death within fourteen days in half or more than half
45 of a group of ten or more rabbits tested in a dosage of two hundred

1 milligrams or less per kilogram of body weight, if administered by
2 continuous contact with the bare skin for twenty-four hours or less. If
3 the board finds that available data on human experience with any substance
4 indicate results different from those obtained on animals in the dosages
5 or concentrations prescribed in this paragraph, the human data shall take
6 precedence.

7 45. "Hospital" means any institution for the care and treatment of
8 the sick and injured that is approved and licensed as a hospital by the
9 department of health services.

10 46. "Intern" means a pharmacy intern.

11 47. "Internship" means the practical, experiential, hands-on
12 training of a pharmacy intern under the supervision of a preceptor.

13 48. "Irritant" means any substance, other than a corrosive, that on
14 immediate, prolonged or repeated contact with normal living tissue will
15 induce a local inflammatory reaction.

16 49. "Jurisprudence examination" means a board-approved pharmacy law
17 examination that is written and administered in cooperation with the
18 national association of boards of pharmacy or another board-approved
19 pharmacy law examination.

20 50. "Label" means a display of written, printed or graphic matter
21 on the immediate container of any article that, unless easily legible
22 through the outside wrapper or container, also appears on the outside
23 wrapper or container of the article's retail package. For the purposes of
24 this paragraph, the immediate container does not include package liners.

25 51. "Labeling" means all labels and other written, printed or
26 graphic matter that either:

27 (a) Is on any article or any of its containers or wrappers.

28 (b) Accompanies that article.

29 52. "Letter of reprimand" means a disciplinary letter that is a
30 public document issued by the board and that informs a licensee or
31 permittee that the licensee's or permittee's conduct violates state or
32 federal law and may require the board to monitor the licensee or
33 permittee.

34 53. "Limited service pharmacy" means a pharmacy that is approved by
35 the board to practice a limited segment of pharmacy as indicated by the
36 permit issued by the board.

37 54. "Manufacture" or "manufacturer":

38 (a) Means every person who prepares, derives, produces, compounds,
39 processes, packages or repackages or labels any drug in a place, other
40 than a pharmacy, that is devoted to manufacturing the drug.

41 (b) Includes a virtual manufacturer as defined in rule by the
42 board.

43 55. "Marijuana" has the same meaning prescribed in section 13-3401.

44 56. "Medical practitioner" means any medical doctor, doctor of
45 osteopathic medicine, dentist, podiatrist, veterinarian or other person

1 who is licensed and authorized by law to use and prescribe drugs and
2 devices to treat sick and injured human beings or animals or to diagnose
3 or prevent sickness in human beings or animals in this state or any state,
4 territory or district of the United States.

5 57. "Medication order" means a written or verbal order from a
6 medical practitioner or that person's authorized agent to administer a
7 drug or device.

8 58. "Narcotic drug" has the same meaning prescribed in section
9 13-3401.

10 59. "New drug" means either:

11 (a) Any drug of which the composition is such that the drug is not
12 generally recognized among experts qualified by scientific training and
13 experience to evaluate the safety and effectiveness of drugs as safe and
14 effective for use under the conditions prescribed, recommended or
15 suggested in the labeling.

16 (b) Any drug of which the composition is such that the drug, as a
17 result of investigations to determine its safety and effectiveness for use
18 under such conditions, has become so recognized, but that has not, other
19 than in the investigations, been used to a material extent or for a
20 material time under those conditions.

21 60. "Nonprescription drug" or "over-the-counter drug" means any
22 nonnarcotic medicine or drug that may be sold without a prescription and
23 that is prepackaged and labeled for use by the consumer in accordance with
24 the requirements of the laws of this state and federal law.
25 Nonprescription drug does not include:

26 (a) A drug that is primarily advertised and promoted professionally
27 to medical practitioners and pharmacists by manufacturers or primary
28 distributors.

29 (b) A controlled substance.

30 (c) A drug that is required to bear a label that states "Rx only".

31 (d) A drug that is intended for human use by hypodermic injection.

32 61. "Nonprescription drug wholesale permittee":

33 (a) Means a permittee who may distribute only over-the-counter
34 drugs and devices to pharmacies or other lawful outlets from a place
35 devoted in whole or in part to wholesaling these items.

36 (b) Includes a virtual wholesaler as defined in rule by the board.

37 62. "Notice" means personal service or the mailing of a copy of the
38 notice by certified mail and email addressed either to the person at the
39 person's latest address of record in the board office or to the person and
40 the person's attorney using the most recent information provided to the
41 board in the board's licensing database.

42 63. "Nutritional supplementation" means vitamins, minerals and
43 caloric supplementation. Nutritional supplementation does not include
44 medication or drugs.

1 64. "Official compendium" means the latest revision of the United
2 States pharmacopeia and the national formulary or any current supplement.

3 65. "Other jurisdiction" means one of the other forty-nine states,
4 the District of Columbia, the Commonwealth of Puerto Rico or a territory
5 of the United States of America.

6 66. "Package" means a receptacle that is defined or described in
7 the United States pharmacopeia and the national formulary as adopted by
8 the board.

9 67. "Packaging" means the act or process of placing a drug item or
10 device in a container for the purpose or intent of dispensing or
11 distributing the item or device to another.

12 68. "Parenteral nutrition" means intravenous feeding that provides
13 an individual with fluids and essential nutrients the individual needs
14 while the individual is unable to receive adequate fluids or feedings by
15 mouth or by enteral feeding.

16 69. "Person" means an individual, partnership, corporation and
17 association, and their duly authorized agents.

18 70. "Pharmaceutical care" means the provision of drug therapy and
19 other pharmaceutical patient care services.

20 71. "Pharmacist" means an individual who is currently licensed by
21 the board to practice the profession of pharmacy in this state.

22 72. "Pharmacist in charge" means the pharmacist who is responsible
23 to the board for a licensed establishment's compliance with the laws and
24 administrative rules of this state and of the federal government
25 pertaining to the practice of pharmacy, the manufacturing of drugs and the
26 distribution of drugs and devices.

27 73. "Pharmacist licensure examination" means a board-approved
28 examination that is written and administered in cooperation with the
29 national association of boards of pharmacy or any other board-approved
30 pharmacist licensure examination.

31 74. "Pharmacy" ~~:-~~

32 ~~(a)~~ means:

33 ~~(i)~~ (a) Any place where drugs, devices, poisons or related
34 hazardous substances are offered for sale at retail or where prescription
35 orders are dispensed by a licensed pharmacist.

36 ~~(ii)~~ (b) Any place that ~~has displayed~~ DISPLAYS on ~~it~~ or in ~~it~~ THE
37 PLACE OR THAT DISPLAYS A SIGN ON THE PLACE the words "pharmaceutical
38 chemist", "apothecary", "druggist", "pharmacy", "drugstore", "drugs" or
39 "drug sundries", ~~or any of these words or combinations~~ COMBINATION of
40 these words, or ANY words of similar ~~import either~~ MEANING in ~~English or~~
41 any ~~other~~ language, ~~or that is advertised by any sign containing any of~~
42 ~~these words~~.

43 ~~(iii)~~ (c) Any place where the characteristic ~~symbols~~ SYMBOL of
44 pharmacy or the characteristic prescription sign "Rx" is exhibited ~~and~~
45 ~~where drugs are stored or dispensed~~.

1 ~~(iv)~~ (d) Any ~~place or a portion of any~~ building or OTHER structure
2 OR PORTION OF A BUILDING OR OTHER STRUCTURE that is leased, used or
3 controlled by ~~the~~ A permittee to conduct the business authorized by the
4 board at the address ~~for which SPECIFIED ON~~ the permit ~~was issued and that~~
5 ~~is enclosed and secured when a pharmacist is not in attendance TO THE~~
6 PERMITTEE.

7 ~~(v)~~ (e) A remote dispensing site pharmacy.

8 ~~(vi)~~ (f) A remote ~~hospital site~~ HOSPITAL-SITE pharmacy, ~~as defined~~
9 ~~by the board in rule, that operates under direct or remote supervision by~~
10 ~~a pharmacist pursuant to rules adopted by the board.~~

11 ~~(b)~~ (g) ~~includes~~ A satellite pharmacy.

12 75. "Pharmacy intern" means a person who has all of the
13 qualifications and experience prescribed in section 32-1923.

14 76. "Pharmacy technician" means a person who is licensed pursuant
15 to this chapter.

16 77. "Pharmacy technician trainee" means a person who is licensed
17 pursuant to this chapter.

18 78. "Poison" or "hazardous substance" includes any of the following
19 if intended and suitable for household use or use by children:

20 (a) Any substance that, according to standard works on medicine,
21 pharmacology, pharmacognosy or toxicology, if applied to, introduced into
22 or developed within the body in relatively small quantities by its
23 inherent action uniformly produces serious bodily injury, disease or
24 death.

25 (b) A toxic substance.

26 (c) A highly toxic substance.

27 (d) A corrosive substance.

28 (e) An irritant.

29 (f) A strong sensitizer.

30 (g) A mixture of any of the substances described in this paragraph,
31 if the substance or mixture of substances may cause substantial personal
32 injury or substantial illness during or as a proximate result of any
33 customary or reasonably foreseeable handling or use, including reasonably
34 foreseeable ingestion by children.

35 (h) A substance that is designated by the board to be a poison or
36 hazardous substance. This subdivision does not apply to radioactive
37 substances, economic poisons subject to the federal insecticide, fungicide
38 and rodenticide act or the state pesticide act, foods, drugs and cosmetics
39 subject to state laws or the federal act or substances intended for use as
40 fuels when stored in containers and used in the heating, cooking or
41 refrigeration system of a house. This subdivision applies to any
42 substance or article that is not itself an economic poison within the
43 meaning of the federal insecticide, fungicide and rodenticide act or the
44 state pesticide act, but that is a poison or hazardous substance within

1 the meaning of this paragraph by reason of bearing or containing an
2 economic poison or hazardous substance.

3 79. "Practice of pharmacy":

4 (a) Means furnishing the following health care services as a
5 medical professional:

6 (i) Interpreting, evaluating and dispensing prescription orders in
7 the patient's best interests.

8 (ii) Compounding drugs pursuant to or in anticipation of a
9 prescription order.

10 (iii) Labeling drugs and devices in compliance with state and
11 federal requirements.

12 (iv) Participating in drug selection and drug utilization reviews,
13 drug administration, drug or drug-related research and drug therapy
14 monitoring or management.

15 (v) Providing patient counseling necessary to provide
16 pharmaceutical care.

17 (vi) Properly and safely storing drugs and devices in anticipation
18 of dispensing.

19 (vii) Maintaining required records of drugs and devices.

20 (viii) Offering or performing acts, services, operations or
21 transactions that are necessary to conduct, operate, manage and control a
22 pharmacy.

23 (ix) Initiating, monitoring and modifying drug therapy pursuant to
24 a protocol-based drug therapy agreement with a provider as outlined in
25 section 32-1970.

26 (x) Initiating and administering immunizations or vaccines pursuant
27 to section 32-1974.

28 (b) Does not include initiating a prescription order for any
29 medication, drug or other substance used to induce or cause a medication
30 abortion as defined in section 36-2151.

31 80. "Practitioner" means any physician, dentist, veterinarian,
32 scientific investigator or other person who is licensed, registered or
33 otherwise permitted to distribute, dispense, conduct research with respect
34 to or administer a controlled substance in the course of professional
35 practice or research in this state, or any pharmacy, hospital or other
36 institution that is licensed, registered or otherwise permitted to
37 distribute, dispense, conduct research with respect to or administer a
38 controlled substance in the course of professional practice or research in
39 this state.

40 81. "Preceptor" means a pharmacist who is serving as the practical
41 instructor of an intern and who complies with section 32-1923.

42 82. "Precursor chemical" means a substance that is:

43 (a) The principal compound that is commonly used or that is
44 produced primarily for use and that is an immediate chemical intermediary
45 used or likely to be used in the manufacture of a controlled substance,

1 the control of which is necessary to prevent, curtail or limit
2 manufacture.

3 (b) Listed in section 13-3401, paragraph 26 or 27.

4 83. "Prescription" means either a prescription order or a
5 prescription medication.

6 84. "Prescription medication" means any drug, including label and
7 container according to context, that is dispensed pursuant to a
8 prescription order.

9 85. "Prescription-only device" includes:

10 (a) Any device that is limited by the federal act to use under the
11 supervision of a medical practitioner.

12 (b) Any device required by the federal act to bear on its label
13 essentially the legend "Rx only".

14 86. "Prescription-only drug" does not include a controlled
15 substance but does include:

16 (a) Any drug that because of its toxicity or other potentiality for
17 harmful effect, the method of its use, or the collateral measures
18 necessary to its use is not generally recognized among experts, qualified
19 by scientific training and experience to evaluate its safety and efficacy,
20 as safe for use except by or under the supervision of a medical
21 practitioner.

22 (b) Any drug that is limited by an approved new drug application
23 under the federal act or section 32-1962 to use under the supervision of a
24 medical practitioner.

25 (c) Every potentially harmful drug, the labeling of which does not
26 bear or contain full and adequate directions for use by the consumer.

27 (d) Any drug, other than a controlled substance, that is required
28 by the federal act to bear on its label the legend "Rx only".

29 87. "Prescription order" means any of the following:

30 (a) An order to a pharmacist for drugs or devices that is issued
31 and signed by a duly licensed medical practitioner in the authorized
32 course of the practitioner's professional practice.

33 (b) An order that is transmitted to a pharmacist through word of
34 mouth, telephone or other means of communication directed by that medical
35 practitioner. Prescription orders received by word of mouth, telephone or
36 other means of communication shall be maintained by the pharmacist
37 pursuant to section 32-1964, and the record so made by the pharmacist
38 constitutes the original prescription order to be dispensed by the
39 pharmacist. This paragraph does not alter or affect laws of this state or
40 any federal act requiring a written prescription order.

41 (c) An order that is initiated by a pharmacist pursuant to a
42 protocol-based drug therapy agreement with a provider as outlined in
43 section 32-1970, or immunizations or vaccines administered by a pharmacist
44 pursuant to section 32-1974.

1 (d) A diet order or an order for enteral feeding, nutritional
2 supplementation or parenteral nutrition that is initiated by a registered
3 dietitian or other qualified nutrition professional in a hospital pursuant
4 to section 36-416.

5 88. "Professionally incompetent" means:

6 (a) Incompetence based on a variety of factors, including a lack of
7 sufficient pharmaceutical knowledge or skills or experience to a degree
8 likely to endanger the health of patients.

9 (b) When considered with other indications of professional
10 incompetence, a pharmacist or pharmacy intern who fails to obtain a
11 passing score on a board-approved pharmacist licensure examination or a
12 pharmacy technician or pharmacy technician trainee who fails to obtain a
13 passing score on a board-approved pharmacy technician licensure
14 examination.

15 89. "Radioactive substance" means a substance that emits ionizing
16 radiation.

17 90. "Remote dispensing site pharmacy" means a pharmacy where a
18 pharmacy technician or pharmacy intern prepares, compounds or dispenses
19 prescription medications under remote supervision by a pharmacist.

20 91. "REMOTE HOSPITAL-SITE PHARMACY" MEANS A PHARMACY LOCATED IN A
21 SATELLITE FACILITY THAT OPERATES UNDER THE LICENSE ISSUED BY THE
22 DEPARTMENT OF HEALTH SERVICES TO THE HOSPITAL OF WHICH IT IS A SATELLITE.

23 ~~91.~~ 92. "Remote supervision by a pharmacist" means that a
24 pharmacist directs and controls the actions of pharmacy technicians and
25 pharmacy interns through the use of audio and visual technology.

26 ~~92.~~ 93. "Revocation" or "revoke" means the official cancellation
27 of a license, permit, registration or other approval authorized by the
28 board for a period of two years unless otherwise specified by the
29 board. A request or new application for reinstatement may be presented to
30 the board for review before the conclusion of the specified revocation
31 period upon review of the executive director.

32 ~~93.~~ 94. "Safely engage in employment duties" means that a
33 permittee or the permittee's employee is able to safely engage in
34 employment duties related to the manufacture, sale, distribution or
35 dispensing of drugs, devices, poisons, hazardous substances, controlled
36 substances or precursor chemicals.

37 95. "SATELLITE FACILITY" HAS THE SAME MEANING PRESCRIBED IN SECTION
38 36-422.

39 ~~94.~~ 96. "Satellite pharmacy" means a work area located within a
40 hospital or on a hospital campus that is not separated by other commercial
41 property or residential property, that is under the direction of a
42 pharmacist, that is a remote extension of a centrally licensed hospital
43 pharmacy, that is owned by and dependent on the centrally licensed
44 hospital pharmacy for administrative control, staffing and drug
45 procurement and that is not required to be separately permitted.

1 ~~95.~~ 97. "Symbol" means the characteristic symbols that have
2 historically identified pharmacy, including show globes and mortar and
3 pestle, and the sign "Rx".

4 ~~96.~~ 98. "Third-party logistics provider" means an entity that
5 provides or coordinates warehousing or other logistics services for the
6 following items, but that does not take ownership of the items, and that
7 distributes those items as directed by a manufacturer, wholesaler,
8 dispenser or durable medical equipment supplier that is permitted by the
9 board:

- 10 (a) Narcotic drugs or other controlled substances.
- 11 (b) Dangerous drugs as defined in section 13-3401.
- 12 (c) Prescription-only drugs and devices.
- 13 (d) Nonprescription drugs and devices.
- 14 (e) Precursor chemicals.
- 15 (f) Regulated chemicals as defined in section 13-3401.

16 ~~97.~~ 99. "Toxic substance" means a substance, other than a
17 radioactive substance, that has the capacity to produce injury or illness
18 in humans through ingestion, inhalation or absorption through any body
19 surface.

20 ~~98.~~ 100. "Ultimate user" means a person who lawfully possesses a
21 drug or controlled substance for that person's own use, for the use of a
22 member of that person's household or for administering to an animal owned
23 by that person or by a member of that person's household.

24 Sec. 2. Section 32-1901.01, Arizona Revised Statutes, is amended to
25 read:

26 32-1901.01. Definition of unethical and unprofessional
27 conduct; permittees; licensees

28 A. In this chapter, unless the context otherwise requires, for the
29 purposes of disciplining a permittee, "unethical conduct" means the
30 following, whether occurring in this state or elsewhere:

31 1. Committing a felony, whether or not involving moral turpitude,
32 or a misdemeanor involving moral turpitude or any drug-related offense.
33 In either case, conviction by a court of competent jurisdiction or a plea
34 of no contest is conclusive evidence of the commission.

35 2. Committing an act that is substantially related to the
36 qualifications, functions or duties of a permittee and that demonstrates
37 either a lack of good moral character or an actual or potential unfitness
38 to hold a permit in light of the public's safety.

39 3. Working under the influence of alcohol or other drugs.

40 4. Using alcohol or other drugs to such a degree as to render the
41 permittee unfit to perform the permittee's employment duties.

42 5. Violating a federal or state law or administrative rule relating
43 to the manufacture, sale or distribution of drugs, devices, poisons,
44 hazardous substances or precursor chemicals.

1 6. Violating a federal or state law or administrative rule relating
2 to marijuana, prescription-only drugs, narcotics, dangerous drugs,
3 controlled substances or precursor chemicals.

4 7. Violating state or federal reporting or recordkeeping
5 requirements on transactions relating to precursor chemicals.

6 ~~8. Failing to report in writing to the board any evidence that a
7 pharmacist or pharmacy intern is or may be professionally incompetent, is
8 or may be guilty of unprofessional conduct or is or may be mentally or
9 physically unable safely to engage in the practice of pharmacy.~~

10 ~~9. Failing to report in writing to the board any evidence that a
11 pharmacy technician or pharmacy technician trainee is or may be
12 professionally incompetent, is or may be guilty of unprofessional conduct
13 or is or may be mentally or physically unable safely to engage in the
14 permissible activities of a pharmacy technician or pharmacy technician
15 trainee.~~

16 ~~10. Failing to report in writing to the board any evidence that
17 appears to show that a permittee or permittee's employee is or may be
18 guilty of unethical conduct, is or may be mentally or physically unable
19 safely to engage in employment duties related to manufacturing, selling,
20 distributing or dispensing drugs, devices, poisons, hazardous substances,
21 controlled substances or precursor chemicals or is or may be violating
22 this chapter or a rule adopted under this chapter.~~

23 ~~11.~~ 8. Intending to sell, transfer or distribute, or to offer for
24 sale, transfer or distribution, or selling, transferring, distributing or
25 dispensing or offering for sale, transfer or distribution an imitation
26 controlled substance, imitation over-the-counter drug or imitation
27 prescription-only drug as defined in section 13-3451.

28 ~~12.~~ 9. Having the permittee's permit to manufacture, sell,
29 distribute or dispense drugs, devices, poisons, hazardous substances or
30 precursor chemicals denied or disciplined in another jurisdiction.

31 ~~13.~~ 10. Committing an offense in another jurisdiction that if
32 committed in this state would be grounds for discipline.

33 ~~14.~~ 11. Obtaining or attempting to obtain a permit or a permit
34 renewal by fraud, by misrepresentation or by knowingly taking advantage of
35 the mistake of another person or an agency.

36 ~~15.~~ 12. Wilfully making a false report or record that is required
37 by this chapter, that is required by federal or state laws pertaining to
38 drugs, devices, poisons, hazardous substances or precursor chemicals or
39 that is required to pay for drugs, devices, poisons or hazardous
40 substances or precursor chemicals or for services pertaining to such drugs
41 or substances.

42 ~~16.~~ 13. Knowingly filing with the board any application, renewal
43 or other document that contains false or misleading information.

1 ~~17.~~ 14. Providing false or misleading information or omitting
2 material information in any communication to the board or the board's
3 employees or agents.

4 ~~18.~~ 15. Violating or attempting to violate, directly or
5 indirectly, or assisting in or abetting the violation of, or conspiring to
6 violate, this chapter.

7 ~~19.~~ 16. Violating a formal order, terms of probation, a consent
8 agreement or a stipulation issued or entered into by the board or its
9 executive director pursuant to this chapter.

10 ~~20.~~ 17. Failing to comply with a board subpoena or failing to
11 comply in a timely manner with a board subpoena without providing any
12 explanation to the board for not complying with the subpoena.

13 ~~21.~~ 18. Failing to provide the board or its employees or agents or
14 an authorized federal or state official conducting a site investigation,
15 inspection or audit with access to any place for which a permit has been
16 issued or for which an application for a permit has been submitted.

17 ~~22.~~ 19. Failing to notify the board of a change of ownership,
18 management or pharmacist in charge.

19 ~~23.~~ 20. Failing to promptly produce on the request of the official
20 conducting a site investigation, inspection or audit any book, record or
21 document.

22 ~~24.~~ 21. Overruling or attempting to overrule a pharmacist in
23 matters of pharmacy ethics or interpreting laws pertaining to the practice
24 of pharmacy or the distribution of drugs or devices.

25 ~~25.~~ 22. Distributing premiums or rebates of any kind in connection
26 with the sale of prescription medication, other than to the prescription
27 medication recipient.

28 ~~26.~~ 23. Failing to maintain effective controls against the
29 diversion of controlled substances or precursor chemicals to unauthorized
30 persons or entities.

31 ~~27.~~ 24. Fraudulently claiming to have performed a service.

32 ~~28.~~ 25. Fraudulently charging a fee for a service.

33 ~~29.~~ 26. Advertising drugs or devices, or services pertaining to
34 drugs or devices, in a manner that is untrue or misleading in any
35 particular, and that is known, or that by the exercise of reasonable care
36 should be known, to be untrue or misleading.

37 B. In this chapter, unless the context otherwise requires, for the
38 purposes of disciplining a pharmacist or pharmacy intern, "unprofessional
39 conduct" means the following, whether occurring in this state or
40 elsewhere:

41 1. Using alcohol or other drugs to such a degree as to render the
42 licensee unfit to practice the profession of pharmacy.

43 2. Violating any federal or state law, rule or regulation relating
44 to the manufacture or distribution of drugs and devices or the practice of
45 pharmacy.

1 3. Dispensing a different drug or brand of drug in place of the
2 drug or brand of drug ordered or prescribed without the express permission
3 in each case of the orderer, or in the case of a prescription order, the
4 medical practitioner. The conduct prohibited by this paragraph does not
5 apply to substitutions authorized pursuant to section 32-1963.01.

6 4. Obtaining or attempting to obtain a license to practice pharmacy
7 or a license renewal by fraud, by misrepresentation or by knowingly taking
8 advantage of the mistake of another person or an agency.

9 5. Having the licensee's license to practice pharmacy denied or
10 disciplined in another jurisdiction.

11 6. Claiming professional superiority in compounding or dispensing
12 prescription orders.

13 7. Failing to comply with the mandatory continuing professional
14 pharmacy education requirements of sections 32-1936 and 32-1937 and rules
15 adopted by the board.

16 8. Committing a felony, whether or not involving moral turpitude,
17 or a misdemeanor involving moral turpitude or any drug-related offense. In
18 either case, conviction by a court of competent jurisdiction or a plea of
19 no contest is conclusive evidence of the commission.

20 9. Working under the influence of alcohol or other drugs.

21 10. Violating a federal or state law or administrative rule
22 relating to marijuana, prescription-only drugs, narcotics, dangerous
23 drugs, controlled substances or precursor chemicals when determined by the
24 board or by conviction in a federal or state court.

25 11. Knowingly dispensing a drug without a valid prescription order
26 as required pursuant to section 32-1968, subsection A.

27 12. Knowingly dispensing a drug on a prescription order that was
28 issued in the course of the conduct of business of dispensing drugs
29 pursuant to diagnosis by mail or the internet, unless the order was any of
30 the following:

31 (a) Made by a physician who provides temporary patient supervision
32 on behalf of the patient's regular treating licensed health care
33 professional or provides a consultation requested by the patient's regular
34 treating licensed health care professional.

35 (b) Made in an emergency medical situation as defined in
36 section 41-1831.

37 (c) Written to prepare a patient for a medical examination.

38 (d) Written or the prescription medications were issued for use by
39 a county or tribal public health department for immunization programs or
40 emergency treatment or in response to an infectious disease investigation,
41 a public health emergency, an infectious disease outbreak or an act of
42 bioterrorism. For the purposes of this subdivision, "bioterrorism" has
43 the same meaning prescribed in section 36-781.

44 (e) Written or antimicrobials were dispensed by the prescribing or
45 dispensing physician to a contact as defined in section 36-661 who is

1 believed to have had significant exposure risk as defined in section
2 36-661 with another person who has been diagnosed with a communicable
3 disease as defined in section 36-661.

4 (f) Written or the prescription medications were issued for
5 administering immunizations or vaccines listed in the United States
6 centers for disease control and prevention's recommended immunization
7 schedule to a household member of a patient.

8 (g) For epinephrine auto-injectors that are written or dispensed
9 for a school district or charter school and that are to be stocked for
10 emergency use pursuant to section 15-157 or for an authorized entity to be
11 stocked pursuant to section 36-2226.01.

12 (h) Written by a licensee through a telehealth program that is
13 covered by the policies and procedures adopted by the administrator of a
14 hospital or outpatient treatment center.

15 (i) Written pursuant to a physical or mental health status
16 examination that was conducted through telehealth as defined in section
17 36-3601 and consistent with federal law.

18 (j) For naloxone hydrochloride or any other opioid antagonist
19 approved by the United States food and drug administration and written or
20 dispensed for use pursuant to section 36-2228 or 36-2266.

21 13. Failing to report in writing to the board any evidence that a
22 pharmacist or pharmacy intern is or may be professionally incompetent, is
23 or may be guilty of unprofessional conduct or is or may be mentally or
24 physically unable to safely engage in the practice of pharmacy.

25 14. Failing to report in writing to the board any evidence that a
26 pharmacy technician or pharmacy technician trainee is or may be
27 professionally incompetent, is or may be guilty of unprofessional conduct
28 or is or may be mentally or physically unable to safely engage in the
29 permissible activities of a pharmacy technician or pharmacy technician
30 trainee.

31 15. Failing to report in writing to the board any evidence that a
32 permittee or a permittee's employee is or may be guilty of unethical
33 conduct or is or may be violating this chapter or a rule adopted under
34 this chapter.

35 16. Committing an offense in another jurisdiction that if committed
36 in this state would be grounds for discipline.

37 17. Knowingly filing with the board any application, renewal or
38 other document that contains false or misleading information.

39 18. Providing false or misleading information or omitting material
40 information in any communication to the board or the board's employees or
41 agents.

42 19. Violating or attempting to violate, directly or indirectly, or
43 assisting in or abetting in the violation of, or conspiring to violate,
44 this chapter.

1 20. Violating a formal order, terms of probation, a consent
2 agreement or a stipulation issued or entered into by the board or its
3 executive director pursuant to this chapter.

4 21. Failing to comply with a board subpoena or failing to comply in
5 a timely manner with a board subpoena without providing any explanation to
6 the board for not complying with the subpoena.

7 22. Refusing without just cause to allow authorized agents of the
8 board to examine documents that are required to be kept pursuant to this
9 chapter or title 36.

10 23. Participating in an arrangement or agreement to allow a
11 prescription order or a prescription medication to be left at, picked up
12 from, accepted by or delivered to a place that is not licensed as a
13 pharmacy. This paragraph does not prohibit a pharmacist or a pharmacy
14 from using an employee or a common carrier to pick up prescription orders
15 at or deliver prescription medications to the office or home of a medical
16 practitioner, the residence of a patient or a patient's hospital.

17 24. Paying rebates or entering into an agreement for paying rebates
18 to a medical practitioner or any other person in the health care field.

19 25. Providing or causing to be provided to a medical practitioner
20 prescription order blanks or forms bearing the pharmacist's or pharmacy's
21 name, address or other means of identification.

22 26. Fraudulently claiming to have performed a professional service.

23 27. Fraudulently charging a fee for a professional service.

24 28. Failing to report a change of the licensee's home address,
25 contact information, employer or employer's address as required by section
26 32-1926.

27 29. Failing to report a change in the licensee's residency status
28 as required by section 32-1926.01.

29 30. Failing to maintain effective controls against the diversion of
30 controlled substances or precursor chemicals to unauthorized persons or
31 entities.

32 C. In this chapter, unless the context otherwise requires, for the
33 purposes of disciplining a pharmacy technician or pharmacy technician
34 trainee, "unprofessional conduct" means the following, whether occurring
35 in this state or elsewhere:

36 1. Using alcohol or other drugs to such a degree as to render the
37 licensee unfit to perform the licensee's employment duties.

38 2. Violating a federal or state law or administrative rule relating
39 to the manufacture or distribution of drugs or devices.

40 3. Obtaining or attempting to obtain a pharmacy technician or
41 pharmacy technician trainee license or a pharmacy technician license
42 renewal by fraud, by misrepresentation or by knowingly taking advantage of
43 the mistake of another person or an agency.

44 4. Having the licensee's license to practice as a pharmacy
45 technician denied or disciplined in another jurisdiction.

- 1 5. Failing to comply with the mandatory continuing professional
2 education requirements of section 32-1925, subsection H and rules adopted
3 by the board.
- 4 6. Committing a felony, whether or not involving moral turpitude,
5 or a misdemeanor involving moral turpitude or any drug-related
6 offense. In either case, conviction by a court of competent jurisdiction
7 or a plea of no contest is conclusive evidence of the commission.
- 8 7. Working under the influence of alcohol or other drugs.
- 9 8. Violating a federal or state law or administrative rule relating
10 to marijuana, prescription-only drugs, narcotics, dangerous drugs,
11 controlled substances or precursor chemicals when determined by the board
12 or by conviction in a federal or state court.
- 13 9. Failing to report in writing to the board any evidence that a
14 pharmacist or pharmacy intern is or may be professionally incompetent, is
15 or may be guilty of unprofessional conduct or is or may be mentally or
16 physically unable to safely engage in the practice of pharmacy.
- 17 10. Failing to report in writing to the board any evidence that a
18 pharmacy technician or pharmacy technician trainee is or may be
19 professionally incompetent, is or may be guilty of unprofessional conduct
20 or is or may be mentally or physically unable to safely engage in the
21 permissible activities of a pharmacy technician or pharmacy technician
22 trainee.
- 23 11. Failing to report in writing to the board any evidence that a
24 permittee or a permittee's employee is or may be guilty of unethical
25 conduct or is or may be violating this chapter or a rule adopted under
26 this chapter.
- 27 12. Committing an offense in another jurisdiction that if committed
28 in this state would be grounds for discipline.
- 29 13. Knowingly filing with the board any application, renewal or
30 other document that contains false or misleading information.
- 31 14. Providing false or misleading information or omitting material
32 information in any communication to the board or the board's employees or
33 agents.
- 34 15. Violating or attempting to violate, directly or indirectly, or
35 assisting in or abetting in the violation of, or conspiring to violate,
36 this chapter.
- 37 16. Violating a formal order, terms of probation, a consent
38 agreement or a stipulation issued or entered into by the board or its
39 executive director pursuant to this chapter.
- 40 17. Failing to comply with a board subpoena or failing to comply in
41 a timely manner with a board subpoena without providing any explanation to
42 the board for not complying with the subpoena.
- 43 18. Failing to report a change of the licensee's home address,
44 contact information, employer or employer's address as required by section
45 32-1926.

1 19. Failing to report a change in the licensee's residency status
2 as required by section 32-1926.01.

3 Sec. 3. Section 32-1905, Arizona Revised Statutes, is amended to
4 read:

5 32-1905. Meetings; time and place; annual report

6 A. The board of pharmacy shall hold meetings to consider license,
7 ~~and~~ permit **AND REGISTRATION** applications and to transact other business
8 legally coming before it. The board must hold at least four meetings in
9 each fiscal year.

10 B. The board shall designate the time and place of its meetings at
11 least thirty days before each meeting.

12 C. The board shall submit an annual written report to the governor
13 and to the Arizona pharmacy association that includes the names of all
14 pharmacists, interns, pharmacy technicians, pharmacy technician trainees,
15 pharmacies, wholesalers, third-party logistics providers and manufacturers
16 authorized to practice under this chapter and a record of licenses,
17 permits, **REGISTRATIONS** and renewals.

18 Sec. 4. Section 32-1921.01, Arizona Revised Statutes, is amended to
19 read:

20 32-1921.01. Disclosures on applications; licensees;
21 registrants; applicability

22 A. A pharmacist, pharmacy intern, pharmacy technician and pharmacy
23 technician trainee are not required to disclose the following information
24 when filing an application under this chapter:

25 1. A single misdemeanor charge that was dismissed, expunged or set
26 aside more than five years before the date of application.

27 2. A single misdemeanor conviction that occurred more than ten
28 years before the date of application.

29 3. A single felony conviction that was reduced to a misdemeanor
30 conviction or that was dismissed, expunged or set aside more than ten
31 years before the date of application.

32 B. An applicant or **A** licensee **OR REGISTRANT** who has had more than
33 one of any charge or conviction specified in subsection A of this section
34 shall disclose that information to the board.

35 C. Subsection A of this section applies to current licensees **AND**
36 **REGISTRANTS**.

37 Sec. 5. Section 32-1923.01, Arizona Revised Statutes, is amended to
38 read:

39 32-1923.01. Pharmacy technicians; pharmacy technician
40 trainees; qualifications; remote dispensing
41 site pharmacies

42 A. An applicant for licensure as a pharmacy technician must:

43 1. Be of good moral character.

44 2. Be at least eighteen years of age.

1 3. Have a high school diploma or the equivalent of a high school
2 diploma.

3 4. Complete a training program prescribed by board rules.

4 5. Pass a board-approved pharmacy technician examination.

5 B. An applicant ~~for licensure~~ TO REGISTER as a pharmacy technician
6 trainee must:

7 ~~1. Be of good moral character.~~

8 ~~2.~~ 1. Be at least eighteen years of age.

9 ~~3. Have a high school diploma or the equivalent of a high school
10 diploma.~~

11 2. REGISTER WITH THE BOARD VIA AN ONLINE APPLICATION.

12 C. Before a pharmacy technician prepares, compounds or dispenses
13 prescription medications at a remote dispensing site pharmacy, the
14 pharmacy technician shall:

15 1. Complete, in addition to any other board-approved mandatory
16 continuing professional education requirements, a two-hour continuing
17 education program on remote dispensing site pharmacy practices provided by
18 an approved provider.

19 2. Have at least one thousand hours of experience working as a
20 pharmacy technician in an outpatient pharmacy setting under the direct
21 supervision of a pharmacist.

22 D. A pharmacy technician working at a remote dispensing site
23 pharmacy:

24 1. Shall maintain an active, nationally recognized pharmacy
25 technician certification approved by the board.

26 2. May not perform extemporaneous sterile or nonsterile compounding
27 but may prepare commercially available medications for dispensing,
28 including the reconstitution of orally administered powder antibiotics.

29 Sec. 6. Section 32-1924, Arizona Revised Statutes, is amended to
30 read:

31 32-1924. Licenses; fees; rules; signatures; registration;
32 online profiles

33 A. An applicant for licensure as a pharmacist shall pay the board
34 an initial licensure fee of not more than \$500.

35 B. An applicant for licensure as a pharmacist, intern or pharmacy
36 technician shall pay a fee prescribed by the board that does not exceed
37 \$50 for issuance of a wall license. On payment of a fee of not more than
38 \$50, the board may issue a replacement wall license to a licensee who
39 requests a replacement because the original was damaged or destroyed,
40 because of a change of name or for other good cause as prescribed by the
41 board.

42 C. An applicant for licensure as an intern shall pay a fee of not
43 more than \$75. A license issued pursuant to this subsection expires five
44 years after it is issued. The board shall adopt rules to prescribe the
45 requirements for the renewal of a license that expires before the pharmacy

1 intern completes the education or training required for licensure as a
2 pharmacist.

3 D. An applicant for reciprocal licensure as a pharmacist shall pay
4 a fee of not more than \$500 for the application and expense of
5 investigating the applicant's pharmaceutical standing in the jurisdiction
6 in which the applicant is licensed.

7 E. All pharmacist licenses shall bear the signatures of the
8 executive director and a majority of the members of the board.

9 F. An applicant ~~for licensure~~ TO REGISTER as a pharmacy technician
10 trainee shall submit with the application a fee prescribed by the board
11 that does not exceed ~~\$100~~ \$25. A ~~license issued pursuant to this~~
12 ~~subsection expires~~ PHARMACY TECHNICIAN TRAINEE MAY APPLY FOR LICENSURE AS
13 A PHARMACY TECHNICIAN WITHIN thirty-six months after ~~it is issued~~
14 REGISTERING AS A PHARMACY TECHNICIAN TRAINEE. A pharmacy technician
15 trainee ~~license~~ REGISTRATION may not be renewed or reissued.

16 G. An applicant for licensure as a pharmacy technician shall submit
17 with the application a fee prescribed by the board that does not exceed
18 \$100.

19 H. A licensee OR REGISTRANT shall create an online profile using
20 the board's licensing software.

21 Sec. 7. Section 32-1927, Arizona Revised Statutes, is amended to
22 read:

23 32-1927. Pharmacists; pharmacy interns; disciplinary action

24 A. A pharmacist or pharmacy intern is subject to disciplinary
25 action by the board for any of the following:

26 1. The board determines that the licensee has committed an act of
27 unprofessional conduct.

28 2. The licensee is found by psychiatric examination to be mentally
29 unfit to practice the profession of pharmacy.

30 3. The licensee is found to be physically or mentally incapacitated
31 to such a degree as to render the licensee unfit to practice the
32 profession of pharmacy.

33 4. The licensee is found to be professionally incompetent to such a
34 degree as to render the licensee unfit to practice the profession of
35 pharmacy.

36 5. The license was issued through error.

37 B. A pharmacist or pharmacy intern who after a formal hearing is
38 found by the board to be guilty of unprofessional conduct, to be mentally
39 or physically unable safely to engage in the practice of pharmacy or to be
40 professionally incompetent is subject to any one or combination of the
41 following:

42 1. A civil penalty of not ~~to exceed one thousand dollars~~ MORE THAN
43 \$1,000 for each violation of this chapter or a rule adopted under this
44 chapter.

45 2. A letter of reprimand.

1 3. A decree of censure.

2 4. Completion of board-designated continuing pharmaceutical
3 education courses.

4 5. Probation.

5 6. Suspension or revocation of the license.

6 C. The board may charge the costs of formal hearings to the
7 licensee whom it finds to be in violation of this chapter or a rule
8 adopted under this chapter.

9 D. The board on its own motion may investigate any evidence that
10 appears to show that a pharmacist or pharmacy intern is or may be
11 professionally incompetent, is or may be guilty of unprofessional conduct
12 or is or may be mentally or physically unable safely to engage in the
13 practice of pharmacy. Any person may, and a licensee or permittee of the
14 board must, report to the board any information that appears to show that
15 a pharmacist or pharmacy intern is or may be professionally incompetent,
16 is or may be guilty of unprofessional conduct or is or may be mentally or
17 physically unable safely to engage in the practice of pharmacy. The board
18 or the executive director shall notify the pharmacist or pharmacy intern
19 as to the content of the complaint as soon as reasonable. Any person or
20 entity that reports or provides information to the board in good faith is
21 not subject to an action for civil damages. It is an act of
22 unprofessional conduct for any pharmacist or pharmacy intern to fail to
23 report as required by this subsection.

24 E. The pharmacy permittee or pharmacist in charge of a pharmacy
25 located in this state must inform the board if a pharmacist or pharmacy
26 intern employed by the pharmacy is terminated because of actions by the
27 pharmacist or pharmacy intern that appear to show that the pharmacist or
28 pharmacy intern is or may be professionally incompetent, is or may be
29 guilty of unprofessional conduct or is or may be mentally or physically
30 unable safely to engage in the practice of pharmacy, along with a general
31 statement of the reasons that led the pharmacy to take the action. The
32 pharmacy permittee or pharmacist in charge of a pharmacy located in this
33 state must inform the board if a pharmacist or pharmacy intern under
34 investigation resigns or if a pharmacist or pharmacy intern resigns in
35 lieu of disciplinary action by the pharmacy. Notification must include a
36 general statement of the reasons for the resignation. A person who
37 reports information in good faith pursuant to this subsection is not
38 subject to civil liability.

39 F. The board or, if delegated by the board, the executive director
40 shall require any combination of mental, physical, psychological,
41 psychiatric or medical competency examinations or pharmacist licensure
42 examinations and conduct necessary investigations, including
43 investigational interviews between representatives of the board and the
44 pharmacist or pharmacy intern, to fully inform itself about any
45 information filed with the board under this section. These examinations

1 may also include biological fluid testing. The board may require the
2 pharmacist or pharmacy intern, at that person's expense, to undergo
3 assessment by a board-approved substance abuse treatment and
4 rehabilitation program.

5 G. If after completing its investigation the board finds that the
6 information provided pursuant to this section is not of sufficient
7 seriousness to merit disciplinary action against the license of the
8 pharmacist or pharmacy intern, the board may take any of the following
9 actions:

10 1. Dismiss if the complaint is without merit.

11 2. File an advisory letter. The licensee may file a written
12 response with the board within thirty days after receiving the advisory
13 letter.

14 3. Require the licensee to complete board-designated continuing
15 pharmaceutical education courses.

16 H. The board shall not disclose the name of the person who provides
17 information regarding a licensee's drug or alcohol impairment or the name
18 of the person who files a complaint if that person requests anonymity.

19 I. If after completing its investigation the board believes that
20 the information is or may be true, it may request a conference with the
21 pharmacist or pharmacy intern. If the pharmacist or pharmacy intern
22 refuses the invitation for a conference and the investigation indicates
23 that grounds may exist for revocation or suspension of a license,
24 probation, issuance of a decree of censure or a letter of reprimand or
25 imposition of a civil penalty, the board shall issue a formal notice that
26 a hearing be held pursuant to title 41, chapter 6, article 10.

27 J. If through information provided pursuant to this section or by
28 other means the board finds that the protection of the public health,
29 welfare and safety requires emergency action against the license of a
30 pharmacist or pharmacy intern, the board may restrict a license or order a
31 summary suspension of a license pending proceedings for revocation or
32 other action. If the board acts pursuant to this subsection, the board
33 shall also serve the licensee with a written notice of complaint and
34 formal hearing that sets forth the charges and licensee's right to a
35 formal hearing before the board or an administrative law judge on the
36 charges within sixty days pursuant to title 41, chapter 6, article 10.

37 K. If after completing the conference the board finds the
38 information provided pursuant to this section is not of sufficient
39 seriousness to merit revocation or suspension of a license, probation,
40 issuance of a decree of censure or a letter of reprimand or imposition of
41 a civil penalty, it may take the following actions:

42 1. Dismiss if the information is without merit.

43 2. File an advisory letter. The licensee may file a written
44 response with the board within thirty days after the licensee receives the
45 advisory letter.

1 3. Require the licensee to complete board-designated continuing
2 pharmaceutical education courses.

3 L. If during a conference the board finds that the information
4 provided pursuant to this section indicates that grounds may exist for
5 revocation or suspension of a license, probation, issuance of a decree of
6 censure or a letter of reprimand or imposition of a civil penalty, it may
7 take the following actions:

8 1. Dismiss if the information is without merit.

9 2. File an advisory letter. The licensee may file a written
10 response with the board within thirty days after the licensee receives the
11 advisory letter.

12 3. Require the licensee to complete board-designated continuing
13 pharmaceutical education courses.

14 4. Enter into an agreement with the licensee to discipline the
15 licensee, restrict the licensee's practice or professional activities or
16 rehabilitate, retrain or assess the licensee in order to protect the
17 public and ensure the licensee's ability to safely engage in the practice
18 of pharmacy. The agreement may include at least the following:

19 (a) Issuance of a letter of reprimand.

20 (b) Issuance of a decree of censure.

21 (c) Practice or professional restrictions, such as not acting as a
22 pharmacist in charge or pharmacy intern preceptor or working with another
23 pharmacist.

24 (d) Rehabilitative, retraining or assessment programs, including:

25 (i) Board-approved community service.

26 (ii) Successful completion of additional board-designated
27 continuing pharmaceutical education courses.

28 (iii) Successful passage of board-approved pharmacist licensure
29 examinations.

30 (iv) Successful completion of a board-approved substance abuse
31 treatment and rehabilitation program at the licensee's own expense.

32 (e) A civil penalty **OF** not ~~to exceed one thousand dollars~~ **MORE THAN**
33 **\$1,000** for each violation of this chapter or a rule adopted under this
34 chapter.

35 (f) A period and terms of probation best adapted to protect the
36 public health and safety and rehabilitate or educate the licensee
37 concerned. Probation may include temporary suspension and any or all of
38 the disciplinary actions, practice or professional restrictions,
39 rehabilitative, retraining or assessment programs listed in this section
40 or any other program agreed to by the board and the licensee.

41 M. If the board finds that the information provided pursuant to
42 this section and additional information provided during the conference
43 warrants revocation or suspension of a license, probation, issuance of a
44 decree of censure or a letter of reprimand or imposition of a civil

1 penalty, it shall initiate formal proceedings pursuant to title 41,
2 chapter 6, article 10.

3 N. If the licensee wishes to be present at the formal hearing in
4 person or by representation, or both, the licensee must file with the
5 board an answer to the charges in the notice of hearing. The answer must
6 be in writing, be verified under oath and be filed within thirty days
7 after service of the notice of hearing. Failure to answer the board's
8 notice of hearing is deemed an admission of the charges in the notice of
9 hearing.

10 O. An advisory letter is a nondisciplinary public document.

11 P. If the board during an investigation determines that a criminal
12 violation might have occurred, it shall disclose its investigative
13 evidence and information to the appropriate criminal justice agency for
14 its consideration.

15 Q. In determining the appropriate disciplinary action under this
16 section, the board shall consider all previous nondisciplinary and
17 disciplinary actions against a licensee.

18 R. The board may deny a license to an applicant for the grounds
19 prescribed in subsection A of this section.

20 S. A person who is licensed pursuant to this chapter or by any
21 other jurisdiction and who has a license revoked or suspended shall not
22 obtain a license as a pharmacy intern, ~~OR~~ OR pharmacy technician or A
23 REGISTRATION AS A pharmacy technician trainee or work as a pharmacy
24 intern, pharmacy technician or pharmacy technician trainee without the
25 approval of the board or its designee.

26 Sec. 8. Section 32-1927.01, Arizona Revised Statutes, is amended to
27 read:

28 32-1927.01. Pharmacy technicians; pharmacy technician
29 trainees; disciplinary action

30 A. A pharmacy technician or pharmacy technician trainee is subject
31 to disciplinary action by the board for any of the following:

32 1. The board determines that the licensee OR REGISTRANT has
33 committed an act of unprofessional conduct.

34 2. The licensee OR REGISTRANT is found by psychiatric examination
35 to be mentally unfit to safely perform the licensee's OR REGISTRANT'S
36 employment duties.

37 3. The licensee OR REGISTRANT is found to be physically or mentally
38 incapacitated to such a degree as to render the licensee OR REGISTRANT
39 unfit to safely perform the licensee's OR REGISTRANT'S employment duties.

40 4. The licensee OR REGISTRANT is found to be professionally
41 incompetent to such a degree as to render the licensee OR REGISTRANT
42 unfit to safely perform the licensee's OR REGISTRANT'S employment duties.

43 5. The license OR REGISTRATION was issued through error.

44 B. A pharmacy technician or pharmacy technician trainee who after a
45 formal hearing is found by the board to be guilty of unprofessional

1 conduct, to be mentally or physically unable safely to engage in the
2 practice of pharmacy or to be professionally incompetent is subject to any
3 one or combination of the following:

4 1. A civil penalty of not ~~to exceed one thousand dollars~~ MORE THAN
5 \$1,000 for each violation of this chapter or a rule adopted under this
6 chapter.

7 2. A letter of reprimand.

8 3. A decree of censure.

9 4. Completion of board designated continuing education courses.

10 5. Probation.

11 6. Suspension or revocation of the license OR REGISTRATION.

12 C. The board may charge the costs of formal hearings to the
13 licensee OR REGISTRANT whom it finds to be in violation of this chapter or
14 a rule adopted under this chapter.

15 D. The board on its own motion may investigate any evidence that
16 appears to show that a pharmacy technician or pharmacy technician trainee
17 is or may be professionally incompetent, is or may be guilty of
18 unprofessional conduct or is or may be mentally or physically unable
19 safely to engage in the permissible activities of a pharmacy technician or
20 pharmacy technician trainee. Any person may, and a licensee, REGISTRANT
21 or permittee of the board must, report to the board any information that
22 appears to show that a pharmacy technician or pharmacy technician trainee
23 is or may be professionally incompetent, is or may be guilty of
24 unprofessional conduct or is or may be mentally or physically unable
25 safely to engage in the permissible activities of a pharmacy technician or
26 pharmacy technician trainee. The board or the executive director shall
27 notify the pharmacy technician or pharmacy technician trainee as to the
28 content of the complaint as soon as reasonable. Any person or entity that
29 reports or provides information to the board in good faith is not subject
30 to an action for civil damages. It is an act of unprofessional conduct
31 for any pharmacy technician or pharmacy technician trainee to fail to
32 report as required by this subsection.

33 E. The pharmacy permittee or pharmacist in charge of a pharmacy
34 located in this state must inform the board if a pharmacy technician or
35 pharmacy technician trainee employed by the pharmacy is terminated because
36 of actions by that person that appear to show that the person is or may be
37 professionally incompetent, is or may be guilty of unprofessional conduct
38 or is or may be mentally or physically unable safely to engage in the
39 permissible activities of a pharmacy technician or pharmacy technician
40 trainee, along with a general statement of the reasons that led the
41 pharmacy to take the action. The pharmacy permittee or pharmacist in
42 charge of a pharmacy located in this state must inform the board if a
43 pharmacy technician or pharmacy technician trainee under investigation
44 resigns or if a pharmacy technician or pharmacy technician trainee resigns
45 in lieu of disciplinary action by the pharmacy. Notification must include

1 a general statement of the reasons for the resignation. A person who
2 reports information in good faith pursuant to this subsection is not
3 subject to civil liability.

4 F. The board or, if delegated by the board, the executive director
5 shall require any combination of mental, physical, psychological,
6 psychiatric or medical competency examinations or pharmacy technician
7 licensure examinations and conduct necessary investigations, including
8 investigational interviews between representatives of the board and the
9 pharmacy technician or pharmacy technician trainee, to fully inform itself
10 about any information filed with the board pursuant to this section.
11 These examinations may also include biological fluid testing. The board
12 may require the licensee ~~OR REGISTRANT~~, at that person's expense, to
13 undergo assessment by a ~~board-approved~~ ~~BOARD-APPROVED~~ substance abuse
14 treatment and rehabilitation program.

15 G. If after completing its investigation the board finds that the
16 information provided pursuant to this section is not of sufficient
17 seriousness to merit disciplinary action against the license ~~OR~~
18 ~~REGISTRATION~~ of the pharmacy technician or pharmacy technician trainee,
19 the board may take any of the following actions:

20 1. Dismiss if the complaint is without merit.

21 2. File an advisory letter. The licensee ~~OR REGISTRANT~~ may file a
22 written response with the board within thirty days after receiving the
23 advisory letter.

24 3. Require the licensee ~~OR REGISTRANT~~ to complete ~~board-designated~~
25 ~~BOARD-DESIGNATED~~ continuing pharmaceutical education courses.

26 H. The board shall not disclose the name of the person who provides
27 information regarding a licensee's ~~OR REGISTRANT'S~~ drug or alcohol
28 impairment or the name of the person who files a complaint if that person
29 requests anonymity.

30 I. If after completing its investigation the board believes that
31 the information is or may be true, it may request a conference with the
32 licensee ~~OR REGISTRANT~~. If the licensee ~~OR REGISTRANT~~ refuses the
33 invitation for a conference and the investigation indicates that grounds
34 may exist for revocation or suspension of a license ~~OR REGISTRATION~~,
35 probation, issuance of a decree of censure or a letter of reprimand or
36 imposition of a civil penalty, the board shall issue a formal notice that
37 a hearing be held pursuant to title 41, chapter 6, article 10.

38 J. If through information provided pursuant to this section or by
39 other means the board finds that the protection of the public health,
40 welfare and safety requires emergency action against the license ~~OR~~
41 ~~REGISTRATION~~ of a pharmacy technician or pharmacy technician trainee, the
42 board may restrict a license ~~OR REGISTRATION~~ or order a summary suspension
43 of a license ~~OR REGISTRATION~~ pending proceedings for revocation or other
44 action. If the board acts pursuant to this subsection, the board shall
45 also serve the licensee ~~OR REGISTRANT~~ with a written notice of complaint

1 and formal hearing that sets forth the charges made against the licensee
2 OR REGISTRANT and the licensee's OR REGISTRANT'S right to a formal hearing
3 before the board or an administrative law judge on the charges within
4 sixty days pursuant to title 41, chapter 6, article 10.

5 K. If after completing the conference the board finds the
6 information provided pursuant to this section is not of sufficient
7 seriousness to merit revocation or suspension of a license OR
8 REGISTRATION, probation, issuance of a decree of censure or a letter of
9 reprimand or imposition of a civil penalty, it may take the following
10 actions:

11 1. Dismiss if the information is without merit.

12 2. File an advisory letter. The licensee OR REGISTRANT may file a
13 written response with the board within thirty days after the licensee OR
14 REGISTRANT receives the advisory letter.

15 3. Require the licensee OR REGISTRANT to complete ~~board designated~~
16 BOARD-DESIGNATED continuing pharmaceutical education courses.

17 L. If during a conference the board finds that the information
18 provided pursuant to this section indicates that grounds may exist for
19 revocation or suspension of a license OR REGISTRATION, probation, issuance
20 of a decree of censure or a letter of reprimand or imposition of a civil
21 penalty, it may take the following actions:

22 1. Dismiss if the information is without merit.

23 2. File an advisory letter. The licensee OR REGISTRANT may file a
24 written response with the board within thirty days after the licensee OR
25 REGISTRANT receives the advisory letter.

26 3. Require the licensee OR REGISTRANT to complete ~~board designated~~
27 BOARD-DESIGNATED continuing pharmaceutical education courses.

28 4. Enter into an agreement with the licensee OR REGISTRANT to
29 discipline the licensee OR REGISTRANT, restrict the licensee's OR
30 REGISTRANT'S practice or professional activities or rehabilitate, retrain
31 or assess the licensee OR REGISTRANT in order to protect the public and
32 ensure the licensee's OR REGISTRANT'S ability to safely engage in the
33 permissible activities of a pharmacy technician or pharmacy technician
34 trainee. The agreement may include at least the following:

35 (a) Issuance of a letter of reprimand.

36 (b) Issuance of a decree of censure.

37 (c) Practice or professional restrictions, such as doing the
38 following only under pharmacist supervision:

39 (i) Entering prescription or patient data.

40 (ii) Initiating or accepting verbal refill authorization.

41 (iii) Counting, pouring, packaging or labeling prescription
42 medication.

43 (iv) Compounding, reconstituting, prepackaging or repackaging
44 drugs.

- 1 (d) Rehabilitative, retraining or assessment programs, including:
2 (i) ~~Board approved~~ BOARD-APPROVED community service.
3 (ii) Successful completion of additional ~~board designated~~
4 BOARD-DESIGNATED continuing pharmaceutical education courses.
5 (iii) Successful passage of ~~board approved~~ BOARD-APPROVED
6 pharmacist technician licensure examinations.
7 (iv) Successful completion of a ~~board approved~~ BOARD-APPROVED
8 substance abuse treatment and rehabilitation program at the licensee's OR
9 REGISTRANT'S own expense.
10 (e) A civil penalty OF not ~~to exceed one thousand dollars~~ MORE THAN
11 \$1,000 for each violation of this chapter or a rule adopted under this
12 chapter.
13 (f) A period and terms of probation best adapted to protect the
14 public health and safety and rehabilitate or educate the licensee OR
15 REGISTRANT concerned. Probation may include temporary suspension and any
16 or all of the disciplinary actions, practice or professional restrictions,
17 rehabilitative, retraining or assessment programs listed in this section
18 or any other program agreed to by the board and the licensee OR
19 REGISTRANT.
20 M. If the board finds that the information provided pursuant to
21 this section and additional information provided during the conference
22 warrants revocation or suspension of a license OR REGISTRATION, probation,
23 issuance of a decree of censure or a letter of reprimand or imposition of
24 a civil penalty, it shall initiate formal proceedings pursuant to title
25 41, chapter 6, article 10.
26 N. If the licensee OR REGISTRANT wishes to be present at the formal
27 hearing in person or by representation, or both, the licensee OR
28 REGISTRANT must file with the board an answer to the charges in the notice
29 of hearing. The answer must be in writing, be verified under oath and be
30 filed within thirty days after service of the notice of hearing. Failure
31 to answer the board's notice of hearing is deemed an admission of the
32 charges in the notice of hearing.
33 O. An advisory letter is a nondisciplinary public document.
34 P. If the board during an investigation determines that a criminal
35 violation might have occurred, it shall disclose its investigative
36 evidence and information to the appropriate criminal justice agency for
37 its consideration.
38 Q. In determining the appropriate disciplinary action under this
39 section, the board shall consider all previous nondisciplinary and
40 disciplinary actions against a licensee OR REGISTRANT.
41 R. The board may deny a license OR REGISTRATION to an applicant for
42 the grounds prescribed in subsection A of this section.
43 S. A person WHO IS licensed OR REGISTERED pursuant to this chapter
44 or by any other jurisdiction AND who has a license OR REGISTRATION revoked
45 or suspended shall not obtain a license OR REGISTRATION as a pharmacy

1 technician or pharmacy technician trainee or work as a pharmacy technician
2 or pharmacy technician trainee without the approval of the board or its
3 designee.

4 Sec. 9. Section 32-1927.02, Arizona Revised Statutes, is amended to
5 read:

6 32-1927.02. Permittees; disciplinary action

7 A. The board may discipline a permittee if:

8 1. The board determines that the permittee or permittee's employee
9 is guilty of unethical conduct pursuant to section 32-1901.01,
10 subsection A.

11 2. Pursuant to a psychiatric examination, the permittee or the
12 permittee's employee is found to be mentally unfit to safely engage in
13 employment duties.

14 3. The board determines that the permittee or the permittee's
15 employee is physically or mentally incapacitated to such a degree as to
16 render the permittee or permittee's employee unfit to safely engage in
17 employment duties.

18 4. The permit was issued through error.

19 5. A permittee or permittee's employee allows a person who does not
20 possess a current license **OR REGISTRATION** issued by the board to work as a
21 pharmacist, pharmacy intern, pharmacy technician or pharmacy technician
22 trainee.

23 B. A permittee who after a formal hearing is found by the board to
24 be guilty of unethical conduct, to be mentally or physically unable safely
25 to engage in employment duties or to be in violation of this chapter or a
26 rule adopted under this chapter or whose employee after a formal hearing
27 is found by the board to be guilty of unethical conduct, to be mentally or
28 physically unable safely to engage in employment duties or to be in
29 violation of this chapter or a rule adopted under this chapter is subject
30 to any one or combination of the following:

31 1. A civil penalty **OF not to exceed one thousand dollars MORE THAN**
32 **\$1,000** for each violation of this chapter or a rule adopted under this
33 chapter.

34 2. A letter of reprimand.

35 3. A decree of censure.

36 4. Completion of board-designated pharmacy law continuing education
37 courses.

38 5. Probation.

39 6. Suspension or revocation of the permit.

40 C. The board may charge the costs of formal hearings to the
41 permittee whom it finds to be in violation of this chapter or a rule
42 adopted under this chapter or whose employee it finds to be in violation
43 of this chapter or a rule adopted under this chapter.

44 D. The board on its own motion may investigate any evidence that
45 appears to show that a permittee or permittee's employee is or may be

1 guilty of unethical conduct, is or may be mentally or physically unable
2 safely to engage in employment duties or is or may be in violation of this
3 chapter or a rule adopted under this chapter. Any person may, and any
4 licensee or permittee must, report to the board any information that
5 appears to show that a permittee or permittee's employee is or may be
6 guilty of unethical conduct, is or may be mentally or physically unable
7 safely to engage in employment duties or is or may be in violation of this
8 chapter or a rule adopted under this chapter. The board or the executive
9 director shall notify the permittee as to the content of the complaint as
10 soon as reasonable. Any person or entity that reports or provides
11 information to the board in good faith is not subject to an action for
12 civil damages. It is an act of unethical conduct for any permittee to
13 fail to report as required by this subsection.

14 E. The board or, if delegated by the board, the executive director
15 shall require any combination of mental, physical, psychological,
16 psychiatric or medical competency examinations and conduct necessary
17 investigations, including investigational interviews between
18 representatives of the board and the permittee or permittee's employee, to
19 fully inform itself about any information filed with the board under
20 subsection D of this section. These examinations may also include
21 biological fluid testing. The board may require the permittee or
22 permittee's employee, at that person's expense, to undergo assessment by a
23 board-approved substance abuse treatment and rehabilitation program.

24 F. If after completing its investigation the board finds that the
25 information provided pursuant to subsection D of this section is not of
26 sufficient seriousness to merit disciplinary action against the permit,
27 the board may take any of the following actions:

- 28 1. Dismiss if the complaint is without merit.
- 29 2. File an advisory letter. The permittee may file a written
30 response with the board within thirty days after receiving the advisory
31 letter.
- 32 3. Require the permittee to complete board-designated pharmacy law
33 continuing education courses.

34 G. The board shall not disclose the name of the person who provides
35 information regarding a permittee's or permittee's employee's drug or
36 alcohol impairment or the name of the person who files a complaint if that
37 person requests anonymity.

38 H. If after completing its investigation the board believes that
39 the information is or may be true, it may request a conference with the
40 permittee or permittee's employee. If the permittee or permittee's
41 employee refuses the invitation for a conference and the investigation
42 indicates that grounds may exist for revocation or suspension of a permit,
43 probation, issuance of a decree of censure or a letter of reprimand or
44 imposition of a civil penalty, the board shall issue a formal notice that
45 a hearing be held pursuant to title 41, chapter 6, article 10.

1 I. If through information provided pursuant to subsection D of this
2 section or by other means the board finds that the protection of the
3 public health, welfare and safety requires emergency action against the
4 permit, the board may restrict a permit or order a summary suspension of a
5 permit pending proceedings for revocation or other action. If the board
6 acts pursuant to this subsection, the board shall also serve the permittee
7 with a written notice of complaint and formal hearing that sets forth the
8 charges and the permittee's right to a formal hearing on the charges
9 before the board or an administrative law judge within sixty days pursuant
10 to title 41, chapter 6, article 10.

11 J. If after completing the conference the board finds the
12 information provided pursuant to subsection D of this section is not of
13 sufficient seriousness to merit revocation or suspension of a permit,
14 probation, issuance of a decree of censure or a letter of reprimand or
15 imposition of a civil penalty, it may take the following actions:

16 1. Dismiss if the information is without merit.
17 2. File an advisory letter. The permittee may file a written
18 response with the board within thirty days after receiving the advisory
19 letter.

20 3. Require the permittee to complete board-designated pharmacy law
21 continuing education courses.

22 K. If during a conference the board finds that the information
23 provided pursuant to subsection D of this section indicates that grounds
24 may exist for revocation or suspension of a permit, probation, issuance of
25 a decree of censure or a letter of reprimand or imposition of a civil
26 penalty, it may take the following actions:

27 1. Dismiss if the information is without merit.
28 2. File an advisory letter. The permittee may file a written
29 response with the board within thirty days after the permittee receives
30 the advisory letter.

31 3. Require the permittee to complete board-designated pharmacy law
32 continuing education courses.

33 4. Enter into an agreement with the permittee to discipline the
34 permittee, restrict the permittee's business activities or rehabilitate or
35 assess the permittee in order to protect the public and ensure the
36 permittee's ability to safely engage in employment duties. The agreement
37 may include, at a minimum, the following disciplinary actions, business
38 activity restrictions and rehabilitative or assessment programs:

39 (a) Issuance of a letter of reprimand.

40 (b) Issuance of a decree of censure.

41 (c) Business activity restrictions, including limitations on the
42 number, type, classification or schedule of drug, device, poison,
43 hazardous substance, controlled substance or precursor chemical that may
44 be manufactured, sold, distributed or dispensed.

1 (d) Successful completion of board-designated pharmacy law
2 continuing education courses.

3 (e) Rehabilitative or assessment programs, including board-approved
4 community service or successful completion of a board-approved substance
5 abuse treatment and rehabilitation program at the permittee's own expense.

6 (f) A civil penalty ~~OF not to exceed one thousand dollars~~ MORE THAN
7 \$1,000 for each violation of this chapter or a rule adopted under this
8 chapter.

9 (g) A period and terms of probation best adapted to protect the
10 public health and safety and rehabilitate or assess the permittee
11 concerned. Probation may include temporary suspension and any or all of
12 the disciplinary actions, business practice restrictions, rehabilitative
13 or assessment programs listed in this section or any other program agreed
14 to by the board and the permittee.

15 L. If the board finds that the information provided pursuant to
16 subsection D of this section and additional information provided during
17 the conference indicate that grounds may exist for revocation or
18 suspension of a permit, probation, issuance of a decree of censure or a
19 letter of reprimand or imposition of a civil penalty, it shall initiate
20 formal proceedings pursuant to title 41, chapter 6, article 10.

21 M. If the permittee wishes to be present at the formal hearing in
22 person or by representation, or both, the permittee must file with the
23 board an answer to the charges in the notice of hearing. The answer must
24 be in writing, be verified under oath and be filed within thirty days
25 after service of the notice of hearing. Failure to answer the board's
26 notice of hearing is deemed an admission of the charges in the notice of
27 hearing.

28 N. If the board, during any investigation, determines that a
29 criminal violation might have occurred, it shall disclose its
30 investigative evidence and information to the appropriate criminal justice
31 agency for its consideration.

32 O. In determining the appropriate disciplinary action under this
33 section, the board shall consider all previous nondisciplinary and
34 disciplinary actions against a permittee.

35 P. The board may deny a permit to an applicant for the grounds
36 prescribed in subsection A of this section.

37 Q. If the board approves a permit and the business fails to become
38 operational within nine months after the date the permit is granted, the
39 permit is no longer valid. The board may grant a onetime extension for
40 the business to become operational.

1 Sec. 10. Section 32-1934, Arizona Revised Statutes, is amended to
2 read:

3 32-1934. Remote hospital-site pharmacy permittee;
4 requirements

5 A. A REMOTE HOSPITAL-SITE pharmacy ~~operating in connection with a~~
6 ~~hospital~~ PERMITTEE shall comply with all the provisions of this chapter
7 requiring registration and regulation of pharmacies, ~~and~~ with board rules
8 AND WITH APPLICABLE FEDERAL LAW.

9 ~~B. For a pharmacy operating in connection with a hospital, all of~~
10 ~~the following apply:~~

11 ~~1. In hospitals with fifty beds or more, the pharmacy shall be~~
12 ~~under the continuous supervision of a pharmacist during the time it is~~
13 ~~open for pharmacy services, except that the board by rule may establish~~
14 ~~requirements to allow a pharmacist who is engaged in hospital business to~~
15 ~~be in other areas of the hospital that are located outside the pharmacy.~~

16 ~~2. Except as otherwise provided in this paragraph, in hospitals~~
17 ~~with fewer than fifty beds, with the written approval and recommendations~~
18 ~~of the board, the services of a pharmacist shall be required on a~~
19 ~~part-time basis according to the needs of the hospital, provided that this~~
20 ~~approval does not allow a person other than a pharmacist to compound,~~
21 ~~manufacture, dispense, label, package, or process drugs. Hospitals with~~
22 ~~fewer than fifty beds that are located in a county with a population of~~
23 ~~less than five hundred thousand persons with the written approval and~~
24 ~~recommendations of the board, may operate a remote dispensing site~~
25 ~~pharmacy under the remote supervision of a pharmacist pursuant to section~~
26 ~~32-1961.01 during the time the pharmacy is open for pharmacy services.~~

27 ~~3. In the pharmacist's absence from the hospital, the supervisory~~
28 ~~registered nurse may obtain from the pharmacy necessary doses of drugs~~
29 ~~that are ordered by a medical practitioner and that are needed by a~~
30 ~~patient in an emergency, according to procedures recommended and approved~~
31 ~~by the board for each hospital.~~

32 ~~4. All drugs and medications furnished from the pharmacy to~~
33 ~~patients on discharge from the hospital shall be dispensed by a~~
34 ~~pharmacist, and the medication shall be properly labeled.~~

35 ~~5. The pharmacist in charge shall initiate procedures to provide~~
36 ~~for the administrative and technical guidance in all matters pertaining to~~
37 ~~acquiring, stocking and dispensing drugs and devices and recordkeeping~~
38 ~~requirements.~~

39 B. A REMOTE HOSPITAL-SITE PHARMACY PERMITTEE SHALL ENSURE THAT:

40 1. THE REMOTE HOSPITAL-SITE PHARMACY IS SUPERVISED BY A PHARMACIST
41 WHO IS LOCATED IN THIS STATE AND WHO IS EMPLOYED BY THE HOSPITAL.

42 2. THE REMOTE HOSPITAL-SITE PHARMACY DISPLAYS A SIGN VISIBLE TO THE
43 PUBLIC IDENTIFYING THE PHARMACY AS A REMOTE HOSPITAL-SITE PHARMACY AND
44 WARNING THAT THE REMOTE HOSPITAL-SITE PHARMACY IS UNDER CONTINUOUS VIDEO
45 SURVEILLANCE THAT IS RECORDED AND RETAINED.

1 3. THE REMOTE HOSPITAL-SITE PHARMACY USES AN ELECTRONIC
2 RECORDKEEPING SYSTEM THAT IS SHARED WITH AND ACCESSIBLE BY THE PHARMACY
3 LOCATED IN THE HOSPITAL.

4 4. ALL DRUGS AND DEVICES FURNISHED FROM THE REMOTE HOSPITAL-SITE
5 PHARMACY TO PATIENTS OF THE SATELLITE FACILITY ARE VERIFIED BY A
6 PHARMACIST WHO IS LICENSED IN THIS STATE AND WHO IS EMPLOYED BY THE
7 HOSPITAL. IF THE SATELLITE FACILITY IS AN EMERGENCY DEPARTMENT OF THE
8 HOSPITAL, IN THE PHARMACIST'S ABSENCE A REGISTERED NURSE PRACTITIONER OR
9 PROFESSIONAL NURSE WHO IS LICENSED PURSUANT TO CHAPTER 15 OF THIS TITLE, A
10 PHYSICIAN WHO IS LICENSED PURSUANT TO CHAPTER 13 OR 17 OF THIS TITLE OR A
11 PHYSICIAN ASSISTANT WHO IS LICENSED PURSUANT TO CHAPTER 25 OF THIS TITLE
12 MAY OBTAIN FROM THE REMOTE HOSPITAL-SITE PHARMACY NECESSARY DRUGS AND
13 DEVICES THAT ARE ORDERED BY A MEDICAL PRACTITIONER AND THAT ARE NEEDED BY
14 A PATIENT IN AN EMERGENCY, ACCORDING TO POLICIES APPROVED BY THE HOSPITAL.

15 5. THE PHARMACIST IN CHARGE DEVELOPS AND IMPLEMENTS PROCEDURES
16 REGARDING OBTAINING, STORING AND DISPENSING DRUGS FOR INPATIENT
17 ADMINISTRATION AND DEVICES AND RECORDKEEPING REQUIREMENTS.

18 6. IF A NONCONTROLLED SUBSTANCE SINGLE-PATIENT USE MULTIDOSE
19 MEDICATION WAS DISPENSED TO A PATIENT IN A CONTAINER FOR INPATIENT
20 ADMINISTRATION, THE REMOTE HOSPITAL-SITE PHARMACY DISPENSES THAT
21 MEDICATION FOR THE PATIENT ON DISCHARGE, IF NEEDED.

22 C. A REMOTE HOSPITAL-SITE PHARMACY PERMITTEE SHALL:

23 1. DEVELOP AND MAINTAIN A POLICY AND PROCEDURES MANUAL AND MAKE THE
24 MANUAL AVAILABLE TO THE BOARD OR ITS AGENT ON REQUEST.

25 2. MAINTAIN A PERPETUAL INVENTORY OF CONTROLLED SUBSTANCES.

26 3. ENSURE THAT THERE IS CONTINUOUS VIDEO SURVEILLANCE OF THE REMOTE
27 HOSPITAL-SITE PHARMACY AND MAINTAIN RECORDED VIDEOS FOR AT LEAST SIXTY
28 DAYS.

29 4. ENSURE THAT THE PHARMACIST IN CHARGE FROM THE PHARMACY LOCATED
30 IN THE HOSPITAL RECONCILES THE INVENTORY OF CONTROLLED SUBSTANCES ON A
31 MONTHLY BASIS.

32 D. A PHARMACIST MAY ENGAGE SIMULTANEOUSLY IN THE PRACTICE OF
33 PHARMACY AT A REASONABLE NUMBER OF REMOTE HOSPITAL-SITE PHARMACIES AS
34 DETERMINED AND APPROVED BY THE HOSPITAL.

35 E. THE BOARD MAY ADOPT ADDITIONAL RULES THAT ARE NECESSARY TO
36 IMPLEMENT THIS SECTION.

37 Sec. 11. Section 32-1996, Arizona Revised Statutes, is amended to
38 read:

39 32-1996. Violations; classification; civil penalty

40 A. Except as provided in this section, a person who violates this
41 chapter:

42 1. Without the intent to defraud or mislead is guilty of a class 2
43 misdemeanor.

44 2. With the intent to defraud or mislead is guilty of a class 5
45 felony.

1 B. A person who violates section 32-1965, paragraph 4 or article
2 3.1 of this chapter is guilty of a class 2 felony.

3 C. Any person who secures a license or permit for that person or
4 for another person by knowingly making a false representation, who
5 fraudulently claims to be licensed as a pharmacist or pharmacy intern
6 within the meaning of this chapter or who knowingly engages in the
7 practice of pharmacy without a license is guilty of a class 2 misdemeanor.

8 D. A person who secures a license as a pharmacy technician or a
9 REGISTRATION AS A pharmacy technician trainee for that person or for
10 another person by knowingly making a false representation, who
11 fraudulently claims to be licensed as a pharmacy technician or REGISTERED
12 AS a pharmacy technician trainee or who knowingly performs the duties of a
13 pharmacy technician or a pharmacy technician trainee without a license OR
14 REGISTRATION is guilty of a class 2 misdemeanor.

15 E. A person who dispenses a human growth hormone in violation of
16 this chapter is guilty of a class 6 felony.

17 F. A court convicting any person for a violation of this chapter
18 shall, immediately after the date of conviction, send a complete copy of
19 the record of the conviction, including the person's name and offense
20 committed, to the executive director of the board.

21 G. A person who violates section 32-1978 shall be issued a civil
22 penalty only as set forth in that section.

23 Sec. 12. Section 36-2604, Arizona Revised Statutes, is amended to
24 read:

25 36-2604. Use and release of confidential information; definitions

26 A. Except as otherwise provided in this section, prescription
27 information submitted to the board pursuant to this article is
28 confidential and is not subject to public inspection. The board shall
29 establish procedures to ensure the privacy and confidentiality of patients
30 and that patient information that is collected, recorded and transmitted
31 pursuant to this article is not disclosed except as prescribed in this
32 section.

33 B. The board or its designee shall review the prescription
34 information collected pursuant to this article. If the board or its
35 designee has reason to believe an act of unprofessional or illegal conduct
36 has occurred, the board or its designee shall notify the appropriate
37 professional licensing board or law enforcement or criminal justice agency
38 and provide the prescription information required for an investigation.
39 The board may delegate the duties prescribed in this subsection to the
40 executive director pursuant to section 32-1904.

41 C. The board may release data collected by the program to the
42 following:

43 1. A person who is authorized to prescribe or dispense controlled
44 substances, or a delegate who is authorized by the prescriber or
45 dispenser, to assist that person to provide medical or pharmaceutical care

1 to a patient or to evaluate a patient or to assist with or verify
2 compliance with the requirements of this chapter, the rules adopted
3 pursuant to this chapter and the rules adopted by the department of health
4 services to reduce opioid overdose and death.

5 2. An individual who requests the individual's own prescription
6 monitoring information pursuant to section 12-2293.

7 3. A medical practitioner regulatory board established pursuant to
8 title 32, chapter 7, 11, 13, 14, 15, 16, 17, 18, 25 or 29.

9 4. A local, state or federal law enforcement or criminal justice
10 agency. Except as required pursuant to subsection B of this section, the
11 board shall provide this information only if the requesting agency states
12 in writing that the information is necessary for an open investigation or
13 complaint.

14 5. The Arizona health care cost containment system administration
15 and contractors regarding persons who are receiving services pursuant to
16 chapters 29 and 34 of this title or title XVIII of the Social Security
17 Act. Except as required pursuant to subsection B of this section, the
18 board shall provide this information only if the administration or a
19 contractor states in writing that the information is necessary for an open
20 investigation or complaint or for performing a drug utilization review for
21 controlled substances that supports the prevention of opioid overuse or
22 abuse and the safety and quality of care provided to the member.

23 6. A health care insurer. Except as required pursuant to
24 subsection B of this section, the board shall provide this information
25 only if the health care insurer states in writing that the information is
26 necessary for an open investigation or complaint or for performing a drug
27 utilization review for controlled substances that supports the prevention
28 of opioid overuse or abuse and the safety and quality of care provided to
29 the insured.

30 7. A person who is serving a lawful order of a court of competent
31 jurisdiction.

32 8. A person who is authorized to prescribe or dispense controlled
33 substances and who performs an evaluation on an individual pursuant to
34 section 23-1026.

35 9. A county medical examiner or alternate medical examiner who is
36 directing an investigation into the circumstances surrounding a death as
37 described in section 11-593 or a delegate who is authorized by the county
38 medical examiner or alternate medical examiner.

39 10. The department of health services regarding persons who are
40 receiving or prescribing controlled substances in order to implement a
41 public health response to address opioid overuse or abuse, including a
42 review pursuant to section 36-198. Except as required pursuant to
43 subsection B of this section, the board shall provide this information
44 only if the department states in writing that the information is necessary

1 to implement a public health response to help combat opioid overuse or
2 abuse.

3 D. Data provided by the board pursuant to this section may not be
4 used for any of the following:

- 5 1. Credentialing health care professionals.
- 6 2. Determining payment.
- 7 3. Preemployment screening.
- 8 4. Any purpose other than as specified in this section.

9 E. For a fee determined by the board, the board may provide data to
10 public or private entities for statistical, research or educational
11 purposes after removing information that could be used to identify
12 individual patients or persons who received prescriptions from dispensers.

13 F. Any employee of the administration, a contractor or a health
14 care insurer who is assigned delegate access to the program shall operate
15 under the authority and responsibility of the administration's,
16 contractor's or health care insurer's chief medical officer or other
17 employee who is a licensed health care professional and who is authorized
18 to prescribe or dispense controlled substances. A delegate of the
19 administration, a contractor or a health care insurer shall hold a valid
20 license or certification issued pursuant to title 32, chapter 7, 11, 13,
21 14, 15, 16, 17, 18, 19.1, 25, 29 or 33 as a condition of being assigned
22 and provided delegate access to the program by the board. Each employee
23 of the administration, a contractor or a health care insurer who is a
24 licensed health care professional and who is authorized to prescribe or
25 dispense controlled substances may authorize not more than ten delegates.

26 G. A person who is authorized to prescribe or dispense controlled
27 substances or the chief medical officer or other licensed health care
28 professional of the administration, a contractor or a health care insurer
29 who is authorized to prescribe or dispense controlled substances shall
30 deactivate a delegate within five business days after an employment status
31 change, the request of the delegate or the inappropriate use of the
32 controlled substances prescription monitoring program's central database
33 tracking system.

34 H. For the purposes of this section:

35 1. "Administration" and "contractor" have the same meanings
36 prescribed in section 36-2901.

37 2. "Delegate" means any of the following:

38 (a) A licensed health care professional who is employed in the
39 office of or in a hospital with the prescriber or dispenser.

40 (b) An unlicensed medical records technician, medical assistant or
41 office manager who is employed in the office of or in a hospital with the
42 prescriber or dispenser and who has received training regarding both the
43 health insurance portability and accountability act privacy standards (45
44 Code of Federal Regulations part 164, subpart E) and security standards
45 (45 Code of Federal Regulations part 164, subpart C).

1 (c) A forensic pathologist, medical death investigator or other
2 qualified person who is assigned duties in connection with a death
3 investigation pursuant to section 11-594.

4 (d) A ~~licensed~~ REGISTERED pharmacy technician trainee, LICENSED
5 pharmacy technician or LICENSED pharmacy intern who works in a facility
6 with the dispenser.

7 (e) Any employee of the administration, a contractor or a health
8 care insurer who is authorized by the administration's, contractor's or
9 health care insurer's chief medical officer or other licensed health care
10 professional who is authorized to prescribe or dispense controlled
11 substances.

12 3. "Health care insurer" has the same meaning prescribed in section
13 20-3151.

14 Sec. 13. Effective date

15 Sections 32-1905, 32-1921.01, 32-1923.01, 32-1924, 32-1927,
16 32-1927.01, 32-1927.02, 32-1996 and 32-2604, Arizona Revised Statutes, as
17 amended by this act, are effective from and after June 30, 2023.