

REFERENCE TITLE: pharmacy technician trainees; pharmacists; compounding

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

## **SB 1569**

Introduced by  
Senator Barto

### AN ACT

AMENDING SECTIONS 32-1901.01, 32-1905, 32-1921.01, 32-1923.01, 32-1924, 32-1927, 32-1927.01 AND 32-1927.02, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1968.01; AMENDING SECTIONS 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 32-1901.01, Arizona Revised Statutes, is amended  
3 to read:

4 32-1901.01. Definition of unethical and unprofessional  
5 conduct; permittees; licensees

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

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

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

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

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

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

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

26 7. Violating state or federal reporting or recordkeeping  
27 requirements on transactions relating to precursor chemicals.

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

32 ~~9. Failing to report in writing to the board any evidence that a~~  
33 ~~pharmacy technician or pharmacy technician trainee is or may be~~  
34 ~~professionally incompetent, is or may be guilty of unprofessional conduct~~  
35 ~~or is or may be mentally or physically unable safely to engage in the~~  
36 ~~permissible activities of a pharmacy technician or pharmacy technician~~  
37 ~~trainee.~~

38 ~~10. Failing to report in writing to the board any evidence that~~  
39 ~~appears to show that a permittee or permittee's employee is or may be~~  
40 ~~guilty of unethical conduct, is or may be mentally or physically unable~~  
41 ~~safely to engage in employment duties related to manufacturing, selling,~~  
42 ~~distributing or dispensing drugs, devices, poisons, hazardous substances,~~  
43 ~~controlled substances or precursor chemicals or is or may be violating~~  
44 ~~this chapter or a rule adopted under this chapter.~~

- 1           ~~11.~~ 8. Intending to sell, transfer or distribute, or to offer for  
2 sale, transfer or distribution, or selling, transferring, distributing or  
3 dispensing or offering for sale, transfer or distribution an imitation  
4 controlled substance, imitation over-the-counter drug or imitation  
5 prescription-only drug as defined in section 13-3451.
- 6           ~~12.~~ 9. Having the permittee's permit to manufacture, sell,  
7 distribute or dispense drugs, devices, poisons, hazardous substances or  
8 precursor chemicals denied or disciplined in another jurisdiction.
- 9           ~~13.~~ 10. Committing an offense in another jurisdiction that if  
10 committed in this state would be grounds for discipline.
- 11           ~~14.~~ 11. Obtaining or attempting to obtain a permit or a permit  
12 renewal by fraud, by misrepresentation or by knowingly taking advantage of  
13 the mistake of another person or an agency.
- 14           ~~15.~~ 12. Wilfully making a false report or record that is required  
15 by this chapter, that is required by federal or state laws pertaining to  
16 drugs, devices, poisons, hazardous substances or precursor chemicals or  
17 that is required to pay for drugs, devices, poisons or hazardous  
18 substances or precursor chemicals or for services pertaining to such drugs  
19 or substances.
- 20           ~~16.~~ 13. Knowingly filing with the board any application, renewal  
21 or other document that contains false or misleading information.
- 22           ~~17.~~ 14. Providing false or misleading information or omitting  
23 material information in any communication to the board or the board's  
24 employees or agents.
- 25           ~~18.~~ 15. Violating or attempting to violate, directly or  
26 indirectly, or assisting in or abetting the violation of, or conspiring to  
27 violate, this chapter.
- 28           ~~19.~~ 16. Violating a formal order, terms of probation, a consent  
29 agreement or a stipulation issued or entered into by the board or its  
30 executive director pursuant to this chapter.
- 31           ~~20.~~ 17. Failing to comply with a board subpoena or failing to  
32 comply in a timely manner with a board subpoena without providing any  
33 explanation to the board for not complying with the subpoena.
- 34           ~~21.~~ 18. Failing to provide the board or its employees or agents or  
35 an authorized federal or state official conducting a site investigation,  
36 inspection or audit with access to any place for which a permit has been  
37 issued or for which an application for a permit has been submitted.
- 38           ~~22.~~ 19. Failing to notify the board of a change of ownership,  
39 management or pharmacist in charge.
- 40           ~~23.~~ 20. Failing to promptly produce on the request of the official  
41 conducting a site investigation, inspection or audit any book, record or  
42 document.
- 43           ~~24.~~ 21. Overruling or attempting to overrule a pharmacist in  
44 matters of pharmacy ethics or interpreting laws pertaining to the practice  
45 of pharmacy or the distribution of drugs or devices.

1           ~~25.~~ 22. Distributing premiums or rebates of any kind in connection  
2 with the sale of prescription medication, other than to the prescription  
3 medication recipient.

4           ~~26.~~ 23. Failing to maintain effective controls against the  
5 diversion of controlled substances or precursor chemicals to unauthorized  
6 persons or entities.

7           ~~27.~~ 24. Fraudulently claiming to have performed a service.

8           ~~28.~~ 25. Fraudulently charging a fee for a service.

9           ~~29.~~ 26. Advertising drugs or devices, or services pertaining to  
10 drugs or devices, in a manner that is untrue or misleading in any  
11 particular, and that is known, or that by the exercise of reasonable care  
12 should be known, to be untrue or misleading.

13           B. In this chapter, unless the context otherwise requires, for the  
14 purposes of disciplining a pharmacist or pharmacy intern, "unprofessional  
15 conduct" means the following, whether occurring in this state or  
16 elsewhere:

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

19           2. Violating any federal or state law, rule or regulation relating  
20 to the manufacture or distribution of drugs and devices or the practice of  
21 pharmacy.

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

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

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

32           6. Claiming professional superiority in compounding or dispensing  
33 prescription orders.

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

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

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

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

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

3           12. Knowingly dispensing a drug on a prescription order that was  
4 issued in the course of the conduct of business of dispensing drugs  
5 pursuant to diagnosis by mail or the internet, unless the order was any of  
6 the following:

7           (a) Made by a physician who provides temporary patient supervision  
8 on behalf of the patient's regular treating licensed health care  
9 professional or provides a consultation requested by the patient's regular  
10 treating licensed health care professional.

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

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

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

20           (e) Written or antimicrobials were dispensed by the prescribing or  
21 dispensing physician to a contact as defined in section 36-661 who is  
22 believed to have had significant exposure risk as defined in section  
23 36-661 with another person who has been diagnosed with a communicable  
24 disease as defined in section 36-661.

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

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

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

36           (i) Written pursuant to a physical or mental health status  
37 examination that was conducted through telehealth as defined in section  
38 36-3601 and consistent with federal law.

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

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

1           14. Failing to report in writing to the board any evidence that a  
2 pharmacy technician or pharmacy technician trainee is or may be  
3 professionally incompetent, is or may be guilty of unprofessional conduct  
4 or is or may be mentally or physically unable to safely engage in the  
5 permissible activities of a pharmacy technician or pharmacy technician  
6 trainee.

7           15. Failing to report in writing to the board any evidence that a  
8 permittee or a permittee's employee is or may be guilty of unethical  
9 conduct or is or may be violating this chapter or a rule adopted under  
10 this chapter.

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

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

15           18. Providing false or misleading information or omitting material  
16 information in any communication to the board or the board's employees or  
17 agents.

18           19. Violating or attempting to violate, directly or indirectly, or  
19 assisting in or abetting in the violation of, or conspiring to violate,  
20 this chapter.

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

24           21. Failing to comply with a board subpoena or failing to comply in  
25 a timely manner with a board subpoena without providing any explanation to  
26 the board for not complying with the subpoena.

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

30           23. Participating in an arrangement or agreement to allow a  
31 prescription order or a prescription medication to be left at, picked up  
32 from, accepted by or delivered to a place that is not licensed as a  
33 pharmacy. This paragraph does not prohibit a pharmacist or a pharmacy  
34 from using an employee or a common carrier to pick up prescription orders  
35 at or deliver prescription medications to the office or home of a medical  
36 practitioner, the residence of a patient or a patient's hospital.

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

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

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

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

1           28. Failing to report a change of the licensee's home address,  
2 contact information, employer or employer's address as required by section  
3 32-1926.

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

6           30. Failing to maintain effective controls against the diversion of  
7 controlled substances or precursor chemicals to unauthorized persons or  
8 entities.

9           C. In this chapter, unless the context otherwise requires, for the  
10 purposes of disciplining a pharmacy technician or pharmacy technician  
11 trainee, "unprofessional conduct" means the following, whether occurring  
12 in this state or elsewhere:

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

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

17           3. Obtaining or attempting to obtain a pharmacy technician or  
18 pharmacy technician trainee license or a pharmacy technician license  
19 renewal by fraud, by misrepresentation or by knowingly taking advantage of  
20 the mistake of another person or an agency.

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

23           5. Failing to comply with the mandatory continuing professional  
24 education requirements of section 32-1925, subsection H and rules adopted  
25 by the board.

26           6. Committing a felony, whether or not involving moral turpitude,  
27 or a misdemeanor involving moral turpitude or any drug-related  
28 offense. In either case, conviction by a court of competent jurisdiction  
29 or a plea of no contest is conclusive evidence of the commission.

30           7. Working under the influence of alcohol or other drugs.

31           8. Violating a federal or state law or administrative rule relating  
32 to marijuana, prescription-only drugs, narcotics, dangerous drugs,  
33 controlled substances or precursor chemicals when determined by the board  
34 or by conviction in a federal or state court.

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

39           10. Failing to report in writing to the board any evidence that a  
40 pharmacy technician or pharmacy technician trainee is or may be  
41 professionally incompetent, is or may be guilty of unprofessional conduct  
42 or is or may be mentally or physically unable to safely engage in the  
43 permissible activities of a pharmacy technician or pharmacy technician  
44 trainee.

1 11. Failing to report in writing to the board any evidence that a  
2 permittee or a permittee's employee is or may be guilty of unethical  
3 conduct or is or may be violating this chapter or a rule adopted under  
4 this chapter.

5 12. Committing an offense in another jurisdiction that if committed  
6 in this state would be grounds for discipline.

7 13. Knowingly filing with the board any application, renewal or  
8 other document that contains false or misleading information.

9 14. Providing false or misleading information or omitting material  
10 information in any communication to the board or the board's employees or  
11 agents.

12 15. Violating or attempting to violate, directly or indirectly, or  
13 assisting in or abetting in the violation of, or conspiring to violate,  
14 this chapter.

15 16. Violating a formal order, terms of probation, a consent  
16 agreement or a stipulation issued or entered into by the board or its  
17 executive director pursuant to this chapter.

18 17. Failing to comply with a board subpoena or failing to comply in  
19 a timely manner with a board subpoena without providing any explanation to  
20 the board for not complying with the subpoena.

21 18. Failing to report a change of the licensee's home address,  
22 contact information, employer or employer's address as required by section  
23 32-1926.

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

26 Sec. 2. Section 32-1905, Arizona Revised Statutes, is amended to  
27 read:

28 32-1905. Meetings; time and place; annual report

29 A. The board of pharmacy shall hold meetings to consider license,  
30 ~~and~~ permit AND REGISTRATION applications and to transact other business  
31 legally coming before it. The board must hold at least four meetings in  
32 each fiscal year.

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

35 C. The board shall submit an annual written report to the governor  
36 and to the Arizona pharmacy association that includes the names of all  
37 pharmacists, interns, pharmacy technicians, pharmacy technician trainees,  
38 pharmacies, wholesalers, third-party logistics providers and manufacturers  
39 authorized to practice under this chapter and a record of licenses,  
40 permits, REGISTRATIONS and renewals.





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

4           D. A pharmacy technician working at a remote dispensing site  
5 pharmacy:

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

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

11          Sec. 5. Section 32-1924, Arizona Revised Statutes, is amended to  
12 read:

13           32-1924. Licenses; fees; rules; signatures; registration;  
14 online profiles

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

17           B. An applicant for licensure as a pharmacist, intern or pharmacy  
18 technician shall pay a fee prescribed by the board that does not exceed  
19 \$50 for issuance of a wall license. On payment of a fee of not more than  
20 \$50, the board may issue a replacement wall license to a licensee who  
21 requests a replacement because the original was damaged or destroyed,  
22 because of a change of name or for other good cause as prescribed by the  
23 board.

24           C. An applicant for licensure as an intern shall pay a fee of not  
25 more than \$75. A license issued pursuant to this subsection expires five  
26 years after it is issued. The board shall adopt rules to prescribe the  
27 requirements for the renewal of a license that expires before the pharmacy  
28 intern completes the education or training required for licensure as a  
29 pharmacist.

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

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

36           F. An applicant ~~for licensure~~ TO REGISTER as a pharmacy technician  
37 trainee shall submit with the application a fee prescribed by the board  
38 that does not exceed ~~\$100~~ \$25. A ~~license issued pursuant to this~~  
39 ~~subsection expires~~ PHARMACY TECHNICIAN TRAINEE SHALL APPLY FOR LICENSURE  
40 AS A PHARMACY TECHNICIAN WITHIN thirty-six months after ~~it is issued~~  
41 REGISTERING AS A PHARMACY TECHNICIAN TRAINEE. A pharmacy technician  
42 trainee ~~license~~ REGISTRATION may not be renewed or reissued.

43           G. An applicant for licensure as a pharmacy technician shall submit  
44 with the application a fee prescribed by the board that does not exceed  
45 \$100.

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

3 Sec. 6. Section 32-1927, Arizona Revised Statutes, is amended to  
4 read:

5 32-1927. Pharmacists; pharmacy interns; disciplinary action

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

8 1. The board determines that the licensee has committed an act of  
9 unprofessional conduct.

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

12 3. The licensee is found to be physically or mentally incapacitated  
13 to such a degree as to render the licensee unfit to practice the  
14 profession of pharmacy.

15 4. The licensee is found to be professionally incompetent to such a  
16 degree as to render the licensee unfit to practice the profession of  
17 pharmacy.

18 5. The license was issued through error.

19 B. A pharmacist or pharmacy intern who after a formal hearing is  
20 found by the board to be guilty of unprofessional conduct, to be mentally  
21 or physically unable safely to engage in the practice of pharmacy or to be  
22 professionally incompetent is subject to any one or combination of the  
23 following:

24 1. A civil penalty of not ~~to exceed one thousand dollars~~ MORE THAN  
25 \$1,000 for each violation of this chapter or a rule adopted under this  
26 chapter.

27 2. A letter of reprimand.

28 3. A decree of censure.

29 4. Completion of board-designated continuing pharmaceutical  
30 education courses.

31 5. Probation.

32 6. Suspension or revocation of the license.

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

36 D. The board on its own motion may investigate any evidence that  
37 appears to show that a pharmacist or pharmacy intern is or may be  
38 professionally incompetent, is or may be guilty of unprofessional conduct  
39 or is or may be mentally or physically unable safely to engage in the  
40 practice of pharmacy. Any person may, and a licensee or permittee of the  
41 board must, report to the board any information that appears to show that  
42 a pharmacist or pharmacy intern is or may be professionally incompetent,  
43 is or may be guilty of unprofessional conduct or is or may be mentally or  
44 physically unable safely to engage in the practice of pharmacy. The board  
45 or the executive director shall notify the pharmacist or pharmacy intern

1 as to the content of the complaint as soon as reasonable. Any person or  
2 entity that reports or provides information to the board in good faith is  
3 not subject to an action for civil damages. It is an act of  
4 unprofessional conduct for any pharmacist or pharmacy intern to fail to  
5 report as required by this subsection.

6 E. The pharmacy permittee or pharmacist in charge of a pharmacy  
7 located in this state must inform the board if a pharmacist or pharmacy  
8 intern employed by the pharmacy is terminated because of actions by the  
9 pharmacist or pharmacy intern that appear to show that the pharmacist or  
10 pharmacy intern is or may be professionally incompetent, is or may be  
11 guilty of unprofessional conduct or is or may be mentally or physically  
12 unable safely to engage in the practice of pharmacy, along with a general  
13 statement of the reasons that led the pharmacy to take the action. The  
14 pharmacy permittee or pharmacist in charge of a pharmacy located in this  
15 state must inform the board if a pharmacist or pharmacy intern under  
16 investigation resigns or if a pharmacist or pharmacy intern resigns in  
17 lieu of disciplinary action by the pharmacy. Notification must include a  
18 general statement of the reasons for the resignation. A person who  
19 reports information in good faith pursuant to this subsection is not  
20 subject to civil liability.

21 F. The board or, if delegated by the board, the executive director  
22 shall require any combination of mental, physical, psychological,  
23 psychiatric or medical competency examinations or pharmacist licensure  
24 examinations and conduct necessary investigations, including  
25 investigational interviews between representatives of the board and the  
26 pharmacist or pharmacy intern, to fully inform itself about any  
27 information filed with the board under this section. These examinations  
28 may also include biological fluid testing. The board may require the  
29 pharmacist or pharmacy intern, at that person's expense, to undergo  
30 assessment by a board-approved substance abuse treatment and  
31 rehabilitation program.

32 G. If after completing its investigation the board finds that the  
33 information provided pursuant to this section is not of sufficient  
34 seriousness to merit disciplinary action against the license of the  
35 pharmacist or pharmacy intern, the board may take any of the following  
36 actions:

- 37 1. Dismiss if the complaint is without merit.
- 38 2. File an advisory letter. The licensee may file a written  
39 response with the board within thirty days after receiving the advisory  
40 letter.
- 41 3. Require the licensee to complete board-designated continuing  
42 pharmaceutical education courses.

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

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

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

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

24 1. Dismiss if the information is without merit.

25 2. File an advisory letter. The licensee may file a written  
26 response with the board within thirty days after the licensee receives the  
27 advisory letter.

28 3. Require the licensee to complete board-designated continuing  
29 pharmaceutical education courses.

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

35 1. Dismiss if the information is without merit.

36 2. File an advisory letter. The licensee may file a written  
37 response with the board within thirty days after the licensee receives the  
38 advisory letter.

39 3. Require the licensee to complete board-designated continuing  
40 pharmaceutical education courses.

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

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

1 S. A person who is licensed pursuant to this chapter or by any  
2 other jurisdiction and who has a license revoked or suspended shall not  
3 obtain a license as a pharmacy intern, ~~OR~~ pharmacy technician or A  
4 REGISTRATION AS A pharmacy technician trainee or work as a pharmacy  
5 intern, pharmacy technician or pharmacy technician trainee without the  
6 approval of the board or its designee.

7 Sec. 7. Section 32-1927.01, Arizona Revised Statutes, is amended to  
8 read:

9 32-1927.01. Pharmacy technicians; pharmacy technician  
10 trainees; disciplinary action

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

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

15 2. The licensee OR REGISTRANT is found by psychiatric examination  
16 to be mentally unfit to safely perform the licensee's OR REGISTRANT'S  
17 employment duties.

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

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

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

25 B. A pharmacy technician or pharmacy technician trainee who after a  
26 formal hearing is found by the board to be guilty of unprofessional  
27 conduct, to be mentally or physically unable safely to engage in the  
28 practice of pharmacy or to be professionally incompetent is subject to any  
29 one or combination of the following:

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

33 2. A letter of reprimand.

34 3. A decree of censure.

35 4. Completion of board designated continuing education courses.

36 5. Probation.

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

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

41 D. The board on its own motion may investigate any evidence that  
42 appears to show that a pharmacy technician or pharmacy technician trainee  
43 is or may be professionally incompetent, is or may be guilty of  
44 unprofessional conduct or is or may be mentally or physically unable  
45 safely to engage in the permissible activities of a pharmacy technician or

1 pharmacy technician trainee. Any person may, and a licensee, REGISTRANT  
2 or permittee of the board must, report to the board any information that  
3 appears to show that a pharmacy technician or pharmacy technician trainee  
4 is or may be professionally incompetent, is or may be guilty of  
5 unprofessional conduct or is or may be mentally or physically unable  
6 safely to engage in the permissible activities of a pharmacy technician or  
7 pharmacy technician trainee. The board or the executive director shall  
8 notify the pharmacy technician or pharmacy technician trainee as to the  
9 content of the complaint as soon as reasonable. Any person or entity that  
10 reports or provides information to the board in good faith is not subject  
11 to an action for civil damages. It is an act of unprofessional conduct  
12 for any pharmacy technician or pharmacy technician trainee to fail to  
13 report as required by this subsection.

14 E. The pharmacy permittee or pharmacist in charge of a pharmacy  
15 located in this state must inform the board if a pharmacy technician or  
16 pharmacy technician trainee employed by the pharmacy is terminated because  
17 of actions by that person that appear to show that the person is or may be  
18 professionally incompetent, is or may be guilty of unprofessional conduct  
19 or is or may be mentally or physically unable safely to engage in the  
20 permissible activities of a pharmacy technician or pharmacy technician  
21 trainee, along with a general statement of the reasons that led the  
22 pharmacy to take the action. The pharmacy permittee or pharmacist in  
23 charge of a pharmacy located in this state must inform the board if a  
24 pharmacy technician or pharmacy technician trainee under investigation  
25 resigns or if a pharmacy technician or pharmacy technician trainee resigns  
26 in lieu of disciplinary action by the pharmacy. Notification must include  
27 a general statement of the reasons for the resignation. A person who  
28 reports information in good faith pursuant to this subsection is not  
29 subject to civil liability.

30 F. The board or, if delegated by the board, the executive director  
31 shall require any combination of mental, physical, psychological,  
32 psychiatric or medical competency examinations or pharmacy technician  
33 licensure examinations and conduct necessary investigations, including  
34 investigational interviews between representatives of the board and the  
35 pharmacy technician or pharmacy technician trainee, to fully inform itself  
36 about any information filed with the board pursuant to this section.  
37 These examinations may also include biological fluid testing. The board  
38 may require the licensee OR REGISTRANT, at that person's expense, to  
39 undergo assessment by a ~~board-approved~~ BOARD-APPROVED substance abuse  
40 treatment and rehabilitation program.

41 G. If after completing its investigation the board finds that the  
42 information provided pursuant to this section is not of sufficient  
43 seriousness to merit disciplinary action against the license OR  
44 REGISTRATION of the pharmacy technician or pharmacy technician trainee,  
45 the board may take any of the following actions:



- 1           1. Dismiss if the complaint is without merit.
- 2           2. File an advisory letter. The licensee OR REGISTRANT may file a  
3 written response with the board within thirty days after receiving the  
4 advisory letter.
- 5           3. Require the licensee OR REGISTRANT to complete ~~board designated~~  
6 BOARD-DESIGNATED continuing pharmaceutical education courses.
- 7           H. The board shall not disclose the name of the person who provides  
8 information regarding a licensee's OR REGISTRANT'S drug or alcohol  
9 impairment or the name of the person who files a complaint if that person  
10 requests anonymity.
- 11          I. If after completing its investigation the board believes that  
12 the information is or may be true, it may request a conference with the  
13 licensee OR REGISTRANT. If the licensee OR REGISTRANT refuses the  
14 invitation for a conference and the investigation indicates that grounds  
15 may exist for revocation or suspension of a license OR REGISTRATION,  
16 probation, issuance of a decree of censure or a letter of reprimand or  
17 imposition of a civil penalty, the board shall issue a formal notice that  
18 a hearing be held pursuant to title 41, chapter 6, article 10.
- 19          J. If through information provided pursuant to this section or by  
20 other means the board finds that the protection of the public health,  
21 welfare and safety requires emergency action against the license OR  
22 REGISTRATION of a pharmacy technician or pharmacy technician trainee, the  
23 board may restrict a license OR REGISTRATION or order a summary suspension  
24 of a license OR REGISTRATION pending proceedings for revocation or other  
25 action. If the board acts pursuant to this subsection, the board shall  
26 also serve the licensee OR REGISTRANT with a written notice of complaint  
27 and formal hearing that sets forth the charges made against the licensee  
28 OR REGISTRANT and the licensee's OR REGISTRANT'S right to a formal hearing  
29 before the board or an administrative law judge on the charges within  
30 sixty days pursuant to title 41, chapter 6, article 10.
- 31          K. If after completing the conference the board finds the  
32 information provided pursuant to this section is not of sufficient  
33 seriousness to merit revocation or suspension of a license OR  
34 REGISTRATION, probation, issuance of a decree of censure or a letter of  
35 reprimand or imposition of a civil penalty, it may take the following  
36 actions:
- 37           1. Dismiss if the information is without merit.
- 38           2. File an advisory letter. The licensee OR REGISTRANT may file a  
39 written response with the board within thirty days after the licensee OR  
40 REGISTRANT receives the advisory letter.
- 41           3. Require the licensee OR REGISTRANT to complete ~~board designated~~  
42 BOARD-DESIGNATED continuing pharmaceutical education courses.
- 43          L. If during a conference the board finds that the information  
44 provided pursuant to this section indicates that grounds may exist for  
45 revocation or suspension of a license OR REGISTRATION, probation, issuance

1 of a decree of censure or a letter of reprimand or imposition of a civil  
2 penalty, it may take the following actions:

- 3 1. Dismiss if the information is without merit.
- 4 2. File an advisory letter. The licensee OR REGISTRANT may file a  
5 written response with the board within thirty days after the licensee OR  
6 REGISTRANT receives the advisory letter.
- 7 3. Require the licensee OR REGISTRANT to complete ~~board-designated~~  
8 BOARD-DESIGNATED continuing pharmaceutical education courses.
- 9 4. Enter into an agreement with the licensee OR REGISTRANT to  
10 discipline the licensee OR REGISTRANT, restrict the licensee's OR  
11 REGISTRANT'S practice or professional activities or rehabilitate, retrain  
12 or assess the licensee OR REGISTRANT in order to protect the public and  
13 ensure the licensee's OR REGISTRANT'S ability to safely engage in the  
14 permissible activities of a pharmacy technician or pharmacy technician  
15 trainee. The agreement may include at least the following:
  - 16 (a) Issuance of a letter of reprimand.
  - 17 (b) Issuance of a decree of censure.
  - 18 (c) Practice or professional restrictions, such as doing the  
19 following only under pharmacist supervision:
    - 20 (i) Entering prescription or patient data.
    - 21 (ii) Initiating or accepting verbal refill authorization.
    - 22 (iii) Counting, pouring, packaging or labeling prescription  
23 medication.
    - 24 (iv) Compounding, reconstituting, prepackaging or repackaging  
25 drugs.
  - 26 (d) Rehabilitative, retraining or assessment programs, including:
    - 27 (i) ~~Board-approved~~ BOARD-APPROVED community service.
    - 28 (ii) Successful completion of additional ~~board-designated~~  
29 BOARD-DESIGNATED continuing pharmaceutical education courses.
    - 30 (iii) Successful passage of ~~board-approved~~ BOARD-APPROVED  
31 pharmacist technician licensure examinations.
    - 32 (iv) Successful completion of a ~~board-approved~~ BOARD-APPROVED  
33 substance abuse treatment and rehabilitation program at the licensee's OR  
34 REGISTRANT'S own expense.
  - 35 (e) A civil penalty OF not ~~to exceed one thousand dollars~~ MORE THAN  
36 \$1,000 for each violation of this chapter or a rule adopted under this  
37 chapter.
  - 38 (f) A period and terms of probation best adapted to protect the  
39 public health and safety and rehabilitate or educate the licensee OR  
40 REGISTRANT concerned. Probation may include temporary suspension and any  
41 or all of the disciplinary actions, practice or professional restrictions,  
42 rehabilitative, retraining or assessment programs listed in this section  
43 or any other program agreed to by the board and the licensee OR  
44 REGISTRANT.

1 M. If the board finds that the information provided pursuant to  
2 this section and additional information provided during the conference  
3 warrants revocation or suspension of a license OR REGISTRATION, probation,  
4 issuance of a decree of censure or a letter of reprimand or imposition of  
5 a civil penalty, it shall initiate formal proceedings pursuant to title  
6 41, chapter 6, article 10.

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

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

15 P. If the board during an investigation determines that a criminal  
16 violation might have occurred, it shall disclose its investigative  
17 evidence and information to the appropriate criminal justice agency for  
18 its consideration.

19 Q. In determining the appropriate disciplinary action under this  
20 section, the board shall consider all previous nondisciplinary and  
21 disciplinary actions against a licensee OR REGISTRANT.

22 R. The board may deny a license OR REGISTRATION to an applicant for  
23 the grounds prescribed in subsection A of this section.

24 S. A person WHO IS licensed OR REGISTERED pursuant to this chapter  
25 or by any other jurisdiction AND who has a license OR REGISTRATION revoked  
26 or suspended shall not obtain a license OR REGISTRATION as a pharmacy  
27 technician or pharmacy technician trainee or work as a pharmacy technician  
28 or pharmacy technician trainee without the approval of the board or its  
29 designee.

30 Sec. 8. Section 32-1927.02, Arizona Revised Statutes, is amended to  
31 read:

32 32-1927.02. Permittees: disciplinary action

33 A. The board may discipline a permittee if:

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

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

40 3. The board determines that the permittee or the permittee's  
41 employee is physically or mentally incapacitated to such a degree as to  
42 render the permittee or permittee's employee unfit to safely engage in  
43 employment duties.

44 4. The permit was issued through error.

1           5. A permittee or permittee's employee allows a person who does not  
2 possess a current license OR REGISTRATION issued by the board to work as a  
3 pharmacist, pharmacy intern, pharmacy technician or pharmacy technician  
4 trainee.

5           B. A permittee who after a formal hearing is found by the board to  
6 be guilty of unethical conduct, to be mentally or physically unable safely  
7 to engage in employment duties or to be in violation of this chapter or a  
8 rule adopted under this chapter or whose employee after a formal hearing  
9 is found by the board to be guilty of unethical conduct, to be mentally or  
10 physically unable safely to engage in employment duties or to be in  
11 violation of this chapter or a rule adopted under this chapter is subject  
12 to any one or combination of the following:

13           1. A civil penalty OF not ~~to exceed one thousand dollars~~ MORE THAN  
14 \$1,000 for each violation of this chapter or a rule adopted under this  
15 chapter.

16           2. A letter of reprimand.

17           3. A decree of censure.

18           4. Completion of board-designated pharmacy law continuing education  
19 courses.

20           5. Probation.

21           6. Suspension or revocation of the permit.

22           C. The board may charge the costs of formal hearings to the  
23 permittee whom it finds to be in violation of this chapter or a rule  
24 adopted under this chapter or whose employee it finds to be in violation  
25 of this chapter or a rule adopted under this chapter.

26           D. The board on its own motion may investigate any evidence that  
27 appears to show that a permittee or permittee's employee is or may be  
28 guilty of unethical conduct, is or may be mentally or physically unable  
29 safely to engage in employment duties or is or may be in violation of this  
30 chapter or a rule adopted under this chapter. Any person may, and any  
31 licensee or permittee must, report to the board any information that  
32 appears to show that a permittee or permittee's employee is or may be  
33 guilty of unethical conduct, is or may be mentally or physically unable  
34 safely to engage in employment duties or is or may be in violation of this  
35 chapter or a rule adopted under this chapter. The board or the executive  
36 director shall notify the permittee as to the content of the complaint as  
37 soon as reasonable. Any person or entity that reports or provides  
38 information to the board in good faith is not subject to an action for  
39 civil damages. It is an act of unethical conduct for any permittee to  
40 fail to report as required by this subsection.

41           E. The board or, if delegated by the board, the executive director  
42 shall require any combination of mental, physical, psychological,  
43 psychiatric or medical competency examinations and conduct necessary  
44 investigations, including investigational interviews between  
45 representatives of the board and the permittee or permittee's employee, to

1 fully inform itself about any information filed with the board under  
2 subsection D of this section. These examinations may also include  
3 biological fluid testing. The board may require the permittee or  
4 permittee's employee, at that person's expense, to undergo assessment by a  
5 board-approved substance abuse treatment and rehabilitation program.

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

10 1. Dismiss if the complaint is without merit.

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

14 3. Require the permittee to complete board-designated pharmacy law  
15 continuing education courses.

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

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

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

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

43 1. Dismiss if the information is without merit.

1           2. File an advisory letter. The permittee may file a written  
2 response with the board within thirty days after receiving the advisory  
3 letter.

4           3. Require the permittee to complete board-designated pharmacy law  
5 continuing education courses.

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

11           1. Dismiss if the information is without merit.

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

15           3. Require the permittee to complete board-designated pharmacy law  
16 continuing education courses.

17           4. Enter into an agreement with the permittee to discipline the  
18 permittee, restrict the permittee's business activities or rehabilitate or  
19 assess the permittee in order to protect the public and ensure the  
20 permittee's ability to safely engage in employment duties. The agreement  
21 may include, at a minimum, the following disciplinary actions, business  
22 activity restrictions and rehabilitative or assessment programs:

23           (a) Issuance of a letter of reprimand.

24           (b) Issuance of a decree of censure.

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

29           (d) Successful completion of board-designated pharmacy law  
30 continuing education courses.

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

34           (f) A civil penalty OF not ~~to exceed one thousand dollars~~ MORE THAN  
35 \$1,000 for each violation of this chapter or a rule adopted under this  
36 chapter.

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

43           L. If the board finds that the information provided pursuant to  
44 subsection D of this section and additional information provided during  
45 the conference indicate that grounds may exist for revocation or

1 suspension of a permit, probation, issuance of a decree of censure or a  
2 letter of reprimand or imposition of a civil penalty, it shall initiate  
3 formal proceedings pursuant to title 41, chapter 6, article 10.

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

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

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

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

20 Q. If the board approves a permit and the business fails to become  
21 operational within nine months after the date the permit is granted, the  
22 permit is no longer valid. The board may grant a onetime extension for  
23 the business to become operational.

24 Sec. 9. Title 32, chapter 18, article 3, Arizona Revised Statutes,  
25 is amended by adding section 32-1968.01, to read:

26 32-1968.01. Drugs; compounded drugs; distribution to  
27 veterinarians

28 A PHARMACIST MAY DISTRIBUTE DRUGS, INCLUDING COMPOUNDED DRUGS, TO A  
29 VETERINARIAN WHO IS LICENSED PURSUANT TO CHAPTER 21 OF THIS TITLE, AND THE  
30 VETERINARIAN MAY POSSESS THESE DRUGS AND KEEP THEM IN STOCK FOR  
31 ADMINISTERING AND DISPENSING THE DRUGS PURSUANT TO A NONPATIENT-SPECIFIC  
32 REGIMEN PRESCRIBED OR ORDERED BY THE VETERINARIAN. THE QUANTITY OF  
33 COMPOUNDED DRUGS THAT A PHARMACIST MAY DISTRIBUTE TO A VETERINARIAN IS NOT  
34 LIMITED.

35 Sec. 10. Section 32-1996, Arizona Revised Statutes, is amended to  
36 read:

37 32-1996. Violations; classification; civil penalty

38 A. Except as provided in this section, a person who violates this  
39 chapter:

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

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

44 B. A person who violates section 32-1965, paragraph 4 or article  
45 3.1 of this chapter is guilty of a class 2 felony.

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

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

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

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

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

21 Sec. 11. Section 36-2604, Arizona Revised Statutes, is amended to  
22 read:

23 **36-2604. Use and release of confidential information; definitions**

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

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

38 C. The board may release data collected by the program to the  
39 following:

40 1. A person who is authorized to prescribe or dispense controlled  
41 substances, or a delegate who is authorized by the prescriber or dispenser,  
42 to assist that person to provide medical or pharmaceutical care to a patient  
43 or to evaluate a patient or to assist with or verify compliance with the  
44 requirements of this chapter, the rules adopted pursuant to this chapter and



1 the rules adopted by the department of health services to reduce opioid  
2 overdose and death.

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

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

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

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

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

27 7. A person who is serving a lawful order of a court of competent  
28 jurisdiction.

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

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

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

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

- 45 1. Credentialing health care professionals.

- 1           2. Determining payment.
- 2           3. Preemployment screening.
- 3           4. Any purpose other than as specified in this section.
- 4           E. For a fee determined by the board, the board may provide data to
- 5 public or private entities for statistical, research or educational purposes
- 6 after removing information that could be used to identify individual patients
- 7 or persons who received prescriptions from dispensers.
- 8           F. Any employee of the administration, a contractor or a health care
- 9 insurer who is assigned delegate access to the program shall operate under
- 10 the authority and responsibility of the administration's, contractor's or
- 11 health care insurer's chief medical officer or other employee who is a
- 12 licensed health care professional and who is authorized to prescribe or
- 13 dispense controlled substances. A delegate of the administration, a
- 14 contractor or a health care insurer shall hold a valid license or
- 15 certification issued pursuant to title 32, chapter 7, 11, 13, 14, 15, 16, 17,
- 16 18, 19.1, 25, 29 or 33 as a condition of being assigned and provided delegate
- 17 access to the program by the board. Each employee of the administration, a
- 18 contractor or a health care insurer who is a licensed health care
- 19 professional and who is authorized to prescribe or dispense controlled
- 20 substances may authorize not more than ten delegates.
- 21           G. A person who is authorized to prescribe or dispense controlled
- 22 substances or the chief medical officer or other licensed health care
- 23 professional of the administration, a contractor or a health care insurer who
- 24 is authorized to prescribe or dispense controlled substances shall deactivate
- 25 a delegate within five business days after an employment status change, the
- 26 request of the delegate or the inappropriate use of the controlled substances
- 27 prescription monitoring program's central database tracking system.
- 28           H. For the purposes of this section:
- 29           1. "Administration" and "contractor" have the same meanings prescribed
- 30 in section 36-2901.
- 31           2. "Delegate" means any of the following:
- 32           (a) A licensed health care professional who is employed in the office
- 33 of or in a hospital with the prescriber or dispenser.
- 34           (b) An unlicensed medical records technician, medical assistant or
- 35 office manager who is employed in the office of or in a hospital with the
- 36 prescriber or dispenser and who has received training regarding both the
- 37 health insurance portability and accountability act privacy standards (45
- 38 Code of Federal Regulations part 164, subpart E) and security standards (45
- 39 Code of Federal Regulations part 164, subpart C).
- 40           (c) A forensic pathologist, medical death investigator or other
- 41 qualified person who is assigned duties in connection with a death
- 42 investigation pursuant to section 11-594.
- 43           (d) A ~~licensed~~ REGISTERED pharmacy technician trainee, LICENSED
- 44 pharmacy technician or LICENSED pharmacy intern who works in a facility with
- 45 the dispenser.

1           (e) Any employee of the administration, a contractor or a health care  
2 insurer who is authorized by the administration's, contractor's or health  
3 care insurer's chief medical officer or other licensed health care  
4 professional who is authorized to prescribe or dispense controlled  
5 substances.

6           3. "Health care insurer" has the same meaning prescribed in section  
7 20-3151.