

Senate Engrossed

pharmacy technician trainees; pharmacists; compounding

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

SENATE BILL 1569

AN ACT

AMENDING SECTIONS 32-1901.01, 32-1905, 32-1921.01, 32-1923.01, 32-1924, 32-1927, 32-1927.01, 32-1927.02, 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. Section 32-1996, Arizona Revised Statutes, is amended to
25 read:

26 32-1996. Violations; classification; civil penalty

27 A. Except as provided in this section, a person who violates this
28 chapter:

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

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

33 B. A person who violates section 32-1965, paragraph 4 or article
34 3.1 of this chapter is guilty of a class 2 felony.

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

40 D. A person who secures a license as a pharmacy technician or a
41 **REGISTRATION AS A** pharmacy technician trainee for that person or for
42 another person by knowingly making a false representation, who
43 fraudulently claims to be licensed as a pharmacy technician or **REGISTERED**
44 **AS** a pharmacy technician trainee or who knowingly performs the duties of a

1 pharmacy technician or a pharmacy technician trainee without a license OR
2 REGISTRATION is guilty of a class 2 misdemeanor.

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

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

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

11 Sec. 10. Section 36-2604, Arizona Revised Statutes, is amended to
12 read:

13 36-2604. Use and release of confidential information; definitions

14 A. Except as otherwise provided in this section, prescription
15 information submitted to the board pursuant to this article is
16 confidential and is not subject to public inspection. The board shall
17 establish procedures to ensure the privacy and confidentiality of patients
18 and that patient information that is collected, recorded and transmitted
19 pursuant to this article is not disclosed except as prescribed in this
20 section.

21 B. The board or its designee shall review the prescription
22 information collected pursuant to this article. If the board or its
23 designee has reason to believe an act of unprofessional or illegal conduct
24 has occurred, the board or its designee shall notify the appropriate
25 professional licensing board or law enforcement or criminal justice agency
26 and provide the prescription information required for an investigation.
27 The board may delegate the duties prescribed in this subsection to the
28 executive director pursuant to section 32-1904.

29 C. The board may release data collected by the program to the
30 following:

31 1. A person who is authorized to prescribe or dispense controlled
32 substances, or a delegate who is authorized by the prescriber or
33 dispenser, to assist that person to provide medical or pharmaceutical care
34 to a patient or to evaluate a patient or to assist with or verify
35 compliance with the requirements of this chapter, the rules adopted
36 pursuant to this chapter and the rules adopted by the department of health
37 services to reduce opioid overdose and death.

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

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

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

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

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

22 7. A person who is serving a lawful order of a court of competent
23 jurisdiction.

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

27 9. A county medical examiner or alternate medical examiner who is
28 directing an investigation into the circumstances surrounding a death as
29 described in section 11-593 or a delegate who is authorized by the county
30 medical examiner or alternate medical examiner.

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

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

- 41 1. Credentialing health care professionals.
- 42 2. Determining payment.
- 43 3. Preemployment screening.
- 44 4. Any purpose other than as specified in this section.

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

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

18 G. A person who is authorized to prescribe or dispense controlled
19 substances or the chief medical officer or other licensed health care
20 professional of the administration, a contractor or a health care insurer
21 who is authorized to prescribe or dispense controlled substances shall
22 deactivate a delegate within five business days after an employment status
23 change, the request of the delegate or the inappropriate use of the
24 controlled substances prescription monitoring program's central database
25 tracking system.

26 H. For the purposes of this section:

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

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

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

32 (b) An unlicensed medical records technician, medical assistant or
33 office manager who is employed in the office of or in a hospital with the
34 prescriber or dispenser and who has received training regarding both the
35 health insurance portability and accountability act privacy standards (45
36 Code of Federal Regulations part 164, subpart E) and security standards
37 (45 Code of Federal Regulations part 164, subpart C).

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

41 (d) A ~~licensed~~ REGISTERED pharmacy technician trainee, LICENSED
42 pharmacy technician or LICENSED pharmacy intern who works in a facility
43 with the dispenser.

1 (e) Any employee of the administration, a contractor or a health
2 care insurer who is authorized by the administration's, contractor's or
3 health 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.