

1 H BILL NO. 487
 2 INTRODUCED BY Edna M. Murrell Long

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CONTINUING
 5 EDUCATION FOR LICENSED PHARMACISTS AND ALLOWING THE BOARD OF
 6 PHARMACISTS TO CHARGE AN ADDITIONAL FEE FOR LICENSE RENEWAL;
 7 AMENDING SECTIONS 66-1502 AND 66-1507, R.C.M. 1947; AND
 8 PROVIDING A DELAYED EFFECTIVE DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 66-1502, R.C.M. 1947, is amended to
 12 read as follows:

13 "66-1502. Definitions. Unless the context requires
 14 otherwise, in this act:

15 (1) "Pharmacy" means a drug store or other established
 16 place registered by the department of professional and
 17 occupational licensing, in which prescriptions, drugs,
 18 medicines, chemicals, and poisons are compounded, dispensed,
 19 vended, or sold at retail.

20 (2) "Pharmacist" means a natural person licensed by
 21 the department to prepare, compound, dispense, and sell
 22 drugs, medicines, chemicals, and poisons, and who may affix
 23 to his name the term REG-PH.

24 (3) "Intern" means a natural person licensed by the
 25 department to prepare, compound, dispense, and sell drugs,

1 medicines, chemicals, and poisons in a pharmacy having a
 2 pharmacist in charge.

3 (4) "Drug" means (a) articles recognized in the
 4 official United States pharmacopoeia, official homeopathic
 5 pharmacopoeia of the United States, or official national
 6 formulary, or a supplement to them; (b) articles intended
 7 for use in diagnosis, cure, mitigation, treatment, or
 8 prevention of disease in man or other animals; (c) articles
 9 (other than food) intended to affect the structure or
 10 function of the body of man or other animals; and (d)
 11 articles intended for use as a component of an article
 12 specified in subsection (a), (b) or (c); but does not
 13 include devices or their components, parts, or accessories.

14 (5) "Medicine" means a remedial agent which has the
 15 property of curing, preventing, treating, or mitigating
 16 diseases, or which is used for this purpose.

17 (6) "Poison" means a substance which, when introduced
 18 into the system, either directly or by absorption, produces
 19 violent, morbid, or fatal changes or which destroys living
 20 tissue with which it comes in contact.

21 (7) "Chemical" means medicinal or industrial
 22 substances, whether simple, compound, or obtained through
 23 the process of the science and art of chemistry, whether of
 24 organic or inorganic origin.

25 (8) "Board" means the board of pharmacists, provided

INTRODUCED BILL

1 for in section 82A-1602.21.

2 (9) "Person" includes an individual, copartnership,
3 corporation, or association.

4 (10) "Department" means the department of professional
5 and occupational licensing, provided for in Title 82A,
6 chapter 16.

7 (11) "Wholesale" means a sale for the purpose of
8 resale.

9 (12) "Commercial purposes" means the ordinary purposes
10 of trade, agriculture, industry, and commerce, exclusive of
11 the practices of medicine and pharmacy.

12 (13) "Prescription" means an order given individually
13 for the person for whom prescribed directly from the
14 prescriber to the furnisher or indirectly to the furnisher
15 by means of an order signed by the prescriber and bearing
16 the name and address of the prescriber, his license
17 classification, the name of the patient, the name and the
18 quantity of the drug or drugs prescribed, the directions for
19 use and the date of its issue. These stipulations apply to
20 both written and telephoned prescriptions.

21 (14) "Continuing education" means professional
22 pharmaceutical postgraduate education in the following
23 areas:

24 (a) the socioeconomic and legal aspects of health
25 care;

1 (b) the properties and actions of drugs and dosage
2 forms; and

3 (c) the etiology, characteristics, and therapeutics of
4 the disease state."

5 Section 2. Section 66-1507, R.C.M. 1947, is amended to
6 read as follows:

7 "66-1507. Annual renewal of registration fees. (1) A
8 person licensed and registered by the department shall
9 annually pay to the department before June 30, a renewal of
10 registration fee of ~~fifteen dollars~~-\$15. A default in the
11 payment of a renewal fee for a period of ~~thirty~~-30 days
12 after the date it is due increases the renewal fee to ~~thirty~~
13 ~~dollars~~-\$30. It is unlawful for a person who refuses or
14 fails to pay the renewal fee to practice pharmacy in this
15 state. The practice of pharmacy is a professional practice
16 affecting the public health, safety, and welfare and is
17 subject to regulation and control in the public interest. A
18 certificate and renewal expires at the time prescribed, not
19 later than ~~one~~-1 year from its date. A defaulter in a
20 renewal fee may be reinstated within ~~one~~-1 year of the
21 default without examination on payment of the arrears and
22 compliance with the continuing education provisions of this
23 chapter.

24 (2) The board may charge an additional fee of up to
25 \$10 for each license renewal to be used in administering the

1 continuing education provisions of this chapter."

2 Section 3. There is a new R.C.M. section that reads as
3 follows:

4 Continuing education required. (1) After July 1, 1979,
5 no pharmacist's license may be renewed unless the pharmacist
6 has certified, upon a form prescribed by the board, that he
7 has obtained the number of hours of continuing education
8 required by the board through the satisfactory completion
9 during the previous year of continuing education programs
10 accredited by the board.

11 (2) Upon adequate demonstration of good cause for
12 having failed to obtain the required number of continuing
13 education hours through attendance of regularly accredited
14 programs, the board may renew the license of a pharmacist
15 who has completed an alternative program of compliance
16 prescribed by the board. Alternative programs shall insure
17 competency essentially equivalent to that gained through
18 regularly accredited continuing education programs and may
19 include home study courses, examinations, or any other
20 program prescribed by the board.

21 Section 4. There is a new R.C.M. section that reads as
22 follows:

23 Continuing education rules. The board shall adopt rules
24 for the proper administration of the continuing education
25 provisions of this chapter including but not limited to:

- 1 (1) determinations as to accredited programs;
2 (2) the number of hours of continuing education
3 required for license renewal; and
4 (3) alternative methods for fulfilling continuing
5 education requirements as prescribed in [section 3(2)].

6 Section 5. There is a new R.C.M. section that reads as
7 follows:

8 Continuing education advisory council. (1) The board
9 shall appoint a continuing education advisory council
10 consisting of no less than 6 or more than 10 members to
11 study and develop continuing education programs and
12 requirements and to report its recommendations to the board.

13 (2) Each member of the advisory council shall be
14 appointed for a term of 3 years.

15 (3) Members of the advisory council shall serve
16 without compensation but shall be reimbursed for travel
17 expenses and mileage as provided in 59-538, 59-539, and
18 59-801. *

19 Section 6. Effective date. This act is effective on
20 July 1, 1979.

-End-

STATE OF MONTANA

REQUEST NO. 261-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 27, 1977, there is hereby submitted a Fiscal Note for House Bill 487 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

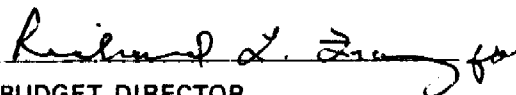
An act requiring continuing education for pharmacists and allowing the Board to charge an additional fee for license renewal.

FISCAL IMPACT:

None - the effective date of the bill is July 1, 1979.

LONG-RANGE IMPACT:

This proposal creates a continuing education advisory council and provides reimbursement for travel expenses and mileage. This will be an increased cost to the Board after July 1, 1979.


BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-2-77

Approved by Committee
on Business and Industry

HOUSE BILL NO. 487

INTRODUCED BY EUDAILY, DUSSAULT, LORY

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CONTINUING EDUCATION FOR LICENSED PHARMACISTS AND ALLOWING THE BOARD OF PHARMACISTS TO CHARGE AN ADDITIONAL FEE FOR LICENSE RENEWAL; AMENDING SECTIONS 66-1502 AND 66-1507, R.C.M. 1947; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 66-1502, R.C.M. 1947, is amended to read as follows:

"66-1502. Definitions. Unless the context requires otherwise, in this act:

(1) "Pharmacy" means a drug store or other established place registered by the department of professional and occupational licensing, in which prescriptions, drugs, medicines, chemicals, and poisons are compounded, dispensed, vended, or sold at retail.

(2) "Pharmacist" means a natural person licensed by the department to prepare, compound, dispense, and sell drugs, medicines, chemicals, and poisons, and who may affix to his name the term REG-PH.

(3) "Intern" means a natural person licensed by the department to prepare, compound, dispense, and sell drugs,

medicines, chemicals, and poisons in a pharmacy having a pharmacist in charge.

(4) "Drug" means (a) articles recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or a supplement to them; (b) articles intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; (c) articles (other than food) intended to affect the structure or function of the body of man or other animals; and (d) articles intended for use as a component of an article specified in subsection (a), (b) or (c); but does not include devices or their components, parts, or accessories.

(5) "Medicine" means a remedial agent which has the property of curing, preventing, treating, or mitigating diseases, or which is used for this purpose.

(6) "Poison" means a substance which, when introduced into the system, either directly or by absorption, produces violent, morbid, or fatal changes or which destroys living tissue with which it comes in contact.

(7) "Chemical" means medicinal or industrial substances, whether simple, compound, or obtained through the process of the science and art of chemistry, whether of organic or inorganic origin.

(8) "Board" means the board of pharmacists, provided

1 for in section 82A-1602.21.

2 (9) "Person" includes an individual, copartnership,
3 corporation, or association.

4 (10) "Department" means the department of professional
5 and occupational licensing, provided for in Title 82A,
6 chapter 16.

7 (11) "Wholesale" means a sale for the purpose of
8 resale.

9 (12) "Commercial purposes" means the ordinary purposes
10 of trade, agriculture, industry, and commerce, exclusive of
11 the practices of medicine and pharmacy.

12 (13) "Prescription" means an order given individually
13 for the person for whom prescribed directly from the
14 prescriber to the furnisher or indirectly to the furnisher
15 by means of an order signed by the prescriber and bearing
16 the name and address of the prescriber, his license
17 classification, the name of the patient, the name and the
18 quantity of the drug or drugs prescribed, the directions for
19 use and the date of its issue. These stipulations apply to
20 both written and telephoned prescriptions.

21 (14) "Continuing education" means professional
22 pharmaceutical postgraduate education in the following
23 areas:

24 (a) the socioeconomic and legal aspects of health
25 care;

1 (b) the properties and actions of drugs and dosage
2 forms; and

3 (c) the etiology, characteristics, and therapeutics of
4 the disease state."

5 Section 2. Section 86-1507, R.C.M. 1947, is amended to
6 read as follows:

7 "86-1507. Annual renewal of registration fees. (1) A
8 person licensed and registered by the department shall
9 annually pay to the department before June 30, a renewal of
10 registration fee of ~~fifteen dollars-(\$15)~~. A default in the
11 payment of a renewal fee for a period of ~~thirty-(30)~~ days
12 after the date it is due increases the renewal fee to ~~thirty~~
13 ~~dollars-(30)~~. It is unlawful for a person who refuses or
14 fails to pay the renewal fee to practice pharmacy in this
15 state. The practice of pharmacy is a professional practice
16 affecting the public health, safety, and welfare and is
17 subject to regulation and control in the public interest. A
18 certificate and renewal expires at the time prescribed, not
19 later than ~~one-(1)~~ year from its date. A defaulter in a
20 renewal fee may be reinstated within ~~one-(1)~~ year of the
21 default without examination on payment of the arrears and
22 compliance with the continuing education provisions of this
23 chapter.

24 (2) The board may charge an additional fee of up to
25 \$10 for each license renewal to be used in administering the

1 ~~continuing education provisions of this chapter.~~"

2 Section 3. There is a new R.C.M. section that reads as
3 follows:

4 Continuing education required. (1) After July 1, 1979,
5 no pharmacist's license may be renewed unless the pharmacist
6 has certified, upon a form prescribed by the board, that he
7 has obtained the number of hours of continuing education
8 required by the board through ~~the satisfactory completion~~
9 ~~during the previous year of continuing education programs~~
10 ~~accredited by the board.~~

11 (2) Upon adequate demonstration of good cause for
12 having failed to obtain the required number of continuing
13 education hours through attendance of regularly accredited
14 programs, the board may ~~may~~ SHALL renew the license of a
15 pharmacist who has completed an alternative program of
16 compliance prescribed by the board. Alternative programs
17 shall insure competency essentially equivalent to that
18 gained through regularly accredited continuing education
19 programs and may include home study courses, examinations,
20 or any other program prescribed by the board.

21 Section 4. There is a new R.C.M. section that reads as
22 follows:

23 Continuing education rules. The board shall adopt rules
24 for the proper administration of the continuing education
25 provisions of this chapter including but not limited to:

- 1 (1) determinations as to accredited programs;
- 2 (2) the number of hours of continuing education
- 3 required for license renewal; and
- 4 (3) alternative methods for fulfilling continuing
- 5 education requirements as prescribed in [section 3(2)].

6 ~~Section 5. There is a new R.C.M. section that reads as~~
7 ~~follows:~~

8 ~~Continuing education advisory councils (1) The board~~
9 ~~shall appoint a continuing education advisory council~~
10 ~~consisting of no less than 6 or more than 10 members to~~
11 ~~study and develop continuing education programs and~~
12 ~~requirements and to report its recommendations to the board.~~

13 ~~(2) Each member of the advisory council shall be~~
14 ~~appointed for a term of 3 years.~~

15 ~~(3) Members of the advisory council shall serve~~
16 ~~without compensation but shall be reimbursed for travel~~
17 ~~expenses and mileage as provided in 59-5387, 59-5397, and~~
18 ~~59-801.~~

19 Section 5. Effective date. This act is effective on
20 July 1, 1979.

-End-

1 HOUSE BILL NO. 487

2 INTRODUCED BY EUDAILY, DUSSAULT, LORY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CONTINUING
5 EDUCATION FOR LICENSED PHARMACISTS AND ALLOWING THE BOARD OF
6 PHARMACISTS TO CHARGE AN ADDITIONAL FEE FOR LICENSE RENEWAL;
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8 PROVIDING A DELAYED EFFECTIVE DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:11 Section 1. Section 66-1502, R.C.M. 1947, is amended to
12 read as follows:13 "66-1502. Definitions. Unless the context requires
14 otherwise, in this act:15 (1) "Pharmacy" means a drug store or other established
16 place registered by the department of professional and
17 occupational licensing, in which prescriptions, drugs,
18 medicines, chemicals, and poisons are compounded, dispensed,
19 vended, or sold at retail.20 (2) "Pharmacist" means a natural person licensed by
21 the department to prepare, compound, dispense, and sell
22 drugs, medicines, chemicals, and poisons, and who may affix
23 to his name the term REG-PH.24 (3) "Intern" means a natural person licensed by the
25 department to prepare, compound, dispense, and sell drugs,1 medicines, chemicals, and poisons in a pharmacy having a
2 pharmacist in charge.3 (4) "Drug" means (a) articles recognized in the
4 official United States pharmacopoeia, official homeopathic
5 pharmacopoeia of the United States, or official national
6 formulary, or a supplement to them; (b) articles intended
7 for use in diagnosis, cure, mitigation, treatment, or
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9 (other than food) intended to affect the structure or
10 function of the body of man or other animals; and (d)
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12 specified in subsection (a), (b) or (c); but does not
13 include devices or their components, parts, or accessories.14 (5) "Medicine" means a remedial agent which has the
15 property of curing, preventing, treating, or mitigating
16 diseases, or which is used for this purpose.17 (6) "Poison" means a substance which, when introduced
18 into the system, either directly or by absorption, produces
19 violent, morbid, or fatal changes or which destroys living
20 tissue with which it comes in contact.21 (7) "Chemical" means medicinal or industrial
22 substances, whether simple, compound, or obtained through
23 the process of the science and art of chemistry, whether of
24 organic or inorganic origin.

25 (b) "Board" means the board of pharmacists, provided

1 for in section 82A-1602.21.

2 (9) "Person" includes an individual, copartnership,
3 corporation, or association.

4 (10) "Department" means the department of professional
5 and occupational licensing, provided for in Title 82A,
6 chapter 16.

7 (11) "Wholesale" means a sale for the purpose of
8 resale.

9 (12) "Commercial purposes" means the ordinary purposes
10 of trade, agriculture, industry, and commerce, exclusive of
11 the practices of medicine and pharmacy.

12 (13) "Prescription" means an order given individually
13 for the person for whom prescribed directly from the
14 prescriber to the furnisher or indirectly to the furnisher
15 by means of an order signed by the prescriber and bearing
16 the name and address of the prescriber, his license
17 classification, the name of the patient, the name and the
18 quantity of the drug or drugs prescribed, the directions for
19 use and the date of its issue. These stipulations apply to
20 both written and telephoned prescriptions.

21 (14) "Continuing education" means professional
22 pharmaceutical postgraduate education in the following
23 areas:

24 (a) the socioeconomic and legal aspects of health
25 care;

1 (b) the properties and actions of drugs and dosage
2 forms; and

3 (c) the etiology, characteristics, and therapeutics of
4 the disease state."

5 Section 2. Section 66-1507, R.C.M. 1947, is amended to
6 read as follows:

7 "66-1507. Annual renewal of registration fees. (1) A
8 person licensed and registered by the department shall
9 annually pay to the department before June 30, a renewal of
10 registration fee of ~~fifteen dollars (\$15)~~. A default in the
11 payment of a renewal fee for a period of ~~thirty (30)~~ days
12 after the date it is due increases the renewal fee to ~~thirty~~
13 ~~dollars (\$30)~~. It is unlawful for a person who refuses or
14 fails to pay the renewal fee to practice pharmacy in this
15 state. The practice of pharmacy is a professional practice
16 affecting the public health, safety, and welfare and is
17 subject to regulation and control in the public interest. A
18 certificate and renewal expires at the time prescribed, not
19 later than ~~one (1)~~ year from its date. A defaulter in a
20 renewal fee may be reinstated within ~~one (1)~~ year of the
21 default without examination on payment of the arrears and
22 compliance with the continuing education provisions of this
23 chapter.

24 (2) The board may charge an additional fee of up to
25 \$10 for each license renewal to be used in administering the

1 ~~continuing education provisions of this chapter.~~"

2 Section 3. There is a new R.C.M. section that reads as
3 follows:

4 Continuing education required. (1) After July 1, 1979,
5 no pharmacist's license may be renewed unless the pharmacist
6 has certified, upon a form prescribed by the board, that he
7 has obtained the number of hours of continuing education
8 required by the board through ~~the satisfactory completion~~
9 ~~during the previous year of continuing education programs~~
10 ~~accredited by the board.~~

11 (2) Upon adequate demonstration of good cause for
12 having failed to obtain the required number of continuing
13 education hours through attendance of regularly accredited
14 programs, the board may SHALL renew the license of a
15 pharmacist who has completed an alternative program of
16 compliance prescribed by the board. Alternative programs
17 shall insure competency essentially equivalent to that
18 gained through regularly accredited continuing education
19 programs and may include home study courses, examinations,
20 or any other program prescribed by the board.

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23 Continuing education rules. The board shall adopt rules
24 for the proper administration of the continuing education
25 provisions of this chapter including but not limited to:

- 1 (1) determinations as to accredited programs;
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9 ~~shall appoint a continuing education advisory council~~
10 ~~consisting of no less than 6 or more than 18 members to~~
11 ~~study and develop continuing education programs and~~
12 ~~requirements and to report its recommendations to the board.~~

13 ~~(2) Each member of the advisory council shall be~~
14 ~~appointed for a term of 3 years.~~

15 ~~(3) Members of the advisory council shall serve~~
16 ~~without compensation but shall be reimbursed for travel~~
17 ~~expenses and mileage as provided in 59-538v-59-539v and~~
18 ~~59-801.~~

19 Section 5. Effective date. This act is effective on
20 July 1, 1979.

-End-

March 26, 1977

SENATE
STANDING COMMITTEE REPORT
Committee on Public Health, Welfare and Safety

That House Bill No. 487, third reading, be amended as follows:

1. Amend page 5, Section 3, line 7.
Following: "hours of"
Insert: "approved"

1 HOUSE BILL NO. 487

2 INTRODUCED BY EUDAILY, DUSSAULT, LORY

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25 \$10 for each license renewal to be used in administering the

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2 Section 3. There is a new R.C.M. section that reads as
3 follows:

4 Continuing education required. (1) After July 1, 1979,
5 no pharmacist's license may be renewed unless the pharmacist
6 has certified, upon a form prescribed by the board, that he
7 has obtained the number of hours of APPROVED continuing
8 education required by the board through ~~the satisfactory~~
9 ~~completion during the previous year of continuing education~~
10 ~~programs accredited by the board.~~

11 (2) Upon adequate demonstration of good cause for
12 having failed to obtain the required number of continuing
13 education hours through attendance of regularly accredited
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- 5 education requirements as prescribed in [section 3(2)].

6 ~~Section 5. There is a new R.C.M. section that reads as~~
7 ~~follows:~~

8 ~~Continuing education advisory council. (1) The board~~
9 ~~shall appoint a continuing education advisory council~~
10 ~~consisting of no less than 6 or more than 10 members to~~
11 ~~study and develop continuing education programs and~~
12 ~~requirements and to report its recommendations to the board.~~

13 ~~(2) Each member of the advisory council shall be~~
14 ~~appointed for a term of 3 years.~~

15 ~~(3) Members of the advisory council shall serve~~
16 ~~without compensation but shall be reimbursed for travel~~
17 ~~expenses and mileage as provided in 59-538, 59-539, and~~
18 ~~59-801.~~

19 Section 5. Effective date. This act is effective on
20 July 1, 1979.

-End-