HOUSE BILL NO. 337

.

INTRODUCED BY METCALF, HAZELBAKER, O'CONNELL, FARRIS, HEMSTAD, PABREGA

BY REQUEST OF THE BOARD OF PHARMACISTS

IN THE HOUSE

January 18, 1983	Introduced and referred to Committee on Human Services.
February 10, 1983	Committee recommend bill do pass as amended. Report adopted.
February 11, 1983	Statement of Intent attached. Bill printed and placed on members' desks.
Pebruary 12, 1983	Second reading, do pass.
February 14, 1983	Considered correctly engrossed.
February 15, 1983	Third reading, passed. Transmitted to Senate.
IN THE SI	enate
February 16, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 11, 1983	Committee recommend bill be concurred in. Report adopted
March 14, 1983	Second reading, concurred in.
March 16, 1983	Third reading, concurred in. Ayes, 47; Noes, 0.

IN THE HOUSE

March 16, 1983

March 17, 1983

Returned to House. Sent to enrolling.

Reported correctly enrolled.

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND 6 CLARIFY THE LAWS RELATING TO THE BOARD OF PHARMACISTS; 7 CHANGING THE NAME OF THE BOARD TO THE BOARD OF PHARMACY; 8 AMENDING THE PROVISIONS ON PROFESSIONAL EDUCATION: CHANGING 9 THE TERMS OF MEMBERS OF THE BOARD AND PROVIDING A TRANSITION 10 TO THE LUNGER TERM; ESTABLISHING QUALIFICATIONS FOR THE 11 PUBLIC MEMBERS OF THE BOARD; CLARIFYING THE PROVISIONS ON 12 WHAT CONSTITUTES A VIULATION OF PHARMACY LAW RELATING TO 13 DISCIPLINARY ACTION AGAINST PHARMACISTS: REMOVING THE 14 REQUIREMENT FOR A REEXAMINATION FEE; AMENDING SECTIONS 15 2-15-1843, 37-7-302, 37-7-311, AND 37-7-321, MCA: AND 16 REPEALING SECTIONS 37-7-403 THROUGH 37-7-405, MCA.=

17

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

19 <u>JEW SECTION</u> Section 1. Board renamed — instructions
 20 to code commissioner. (1) The board of pharmacists provided
 21 for in 2-15-1343 is renamed the board of pharmacy.

(2) The code commissioner is instructed to change
every reference to the "board of pharmacists" in the Montana
Code Annotated and in statutes passed by the 48th
legislature and approved by the governor to "board of

1 pharmacy*.

2 Section 2. Section 2-15-1843, MCA, is amended to read:
3 "2-15-1843. Board of pharmacists pharmacy. (1) There
4 is a board of pharmacists pharmacy.

5 (2) The board consists of five members appointed by 6 the governor with the consent of the senate. Three members 7 must be licensed pharmacists, and two members must be from 8 the general public.

9 (a) Each licensed member shall-be-a--graduate--of--the 10 college-of-phormocy must have graduated and received the 11 first professional undergraduate degree from the school of pharmacy of the university of Montana or of-a-college-or 12 13 school-of from an accredited pharmacy accredited--by--the 14 American--council-on-pharmaceutical-education dearee program 15 that has been approved by the board. Each licensed member shall have at least 5 consecutive years of practical 16 17 experience as a pharmacist immediately before his appointment. A licensed member who, during his term of 18 office, ceases to be actively engaged in the practice of 19 20 pharmacy in this state, shall be automatically disqualified 21 from membership on the board.

- 22 (b) Each public member of the board must be a resident
- 23 of the state and may not be or ever have been:
- 24 <u>(i) a member of the profession of pharmacy or the</u>
- 25 spouse of a member of the profession of pharmacy:

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1 (ii) a person having any material financial interest 2 in the providing of pharmacy services: or 3 (iii) a person who has engaged in any activity 4 directly related to the practice of pharmacy. 5 (3) Members shall serve staggered 3-year 5-year terms. A member may not serve consecutive terms on the board. A 6 member shall be removed from office by the governor on proof 7 of malfeasance or misfeasance in office, after reasonable 8 9 notice of charges against him and after a hearing. 10 (4) The board is allocated to the department for 11 administrative purposes only as prescribed in 2-15-121." 12 Section 3. Section 37-7-302, MCA, is amended to read: 13 "37-7-302. Examination -- qualifications -- fees --14 reciprocity. (1) The department shall give reasonable notice 15 of examinations by mail to known applicants. The department 16 shall record the names of persons examined, together with 17 the grounds on which the right of each to examination was 18 claimed, and also the names of persons registered by 19 examination or otherwise. 20 (2) The fee for an examination shall be set by the 21 board at a figure commensurate with costs, which fee may in 22 the discretion of the board be returned to applicants not 23 taking the examination. In-again-making-payment-of-the-feey an---applicant--who---fails---is---ontitled--to--take--the--next 24 25 successing-examination-free-of-charger

1 (3) To be entitled to examination as a pharmacist, the Z applicant shall be of good moral character and s-graduate of 3 the--school-of-pharmacy-of-the-university-of-Montona-or-of-s 4 college-or-school-of-pharmacy-accredited--by--the--tmerican 5 council--on--pharmaceutical-education;-but-the-applicant-may not-receive-a-registered-pharmacists-license-until--he--has 6 complied-with-the-internship-requirements-established-by-the 7 8 board shall have graduated and received the first 9 professional undergraduate degree from the school of 10 pharmacy of the university of Montana or from an accredited 11 pharmacy degree program that has been approved by the board-(4) The board may in its discretion authorize the 12 department to grant registration without examination to a 13 14 pharmacist licensed by a board of pharmacy or a similar 15 board of another state which accords similar recognition to 16 licensees of this state if the requirements for registration in the other state are, in the opinion of the board, 17 equivalent to the requirements of this chapter. The fee for 18 19 registration by reciprocity shall be prescribed by the 20 board.

21 (5) Every person licensed and registered under this
22 chapter shall receive from the department an appropriate
23 certificate attesting the fact, which shall be conspicuously
24 displayed at all times in his place of business."

25 Section 4. Section 37-7-311, MCA, is amended to read:

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*37-7-311. Revocation of license issued to pharmacist
 or intern. The board shall revoke licenses issued by the
 department to a pharmacist or intern whenever the holder of
 the license:

5 (1) has obtained it by false representations or fraud; 6 (2) is an habitual drunkard or addicted to the use of 7 narcotic drugs;

8 (3) has been convicted of violating the pharmacy-law
9 <u>federal Food, Drug, and Cosmetic Act (Title 21, chapter 9.</u>
10 <u>U-S-C-): chapter 2 or 7 of Title 37, chapter 9 or 10 of</u>
11 <u>Title 45, or chapter 31 or 32 of Title 50, MCA: or rules</u>
12 adopted under such act or chapters; or

13 (4) has been found by the board guilty of incompetency
14 in the preparation of prescriptions or guilty of gross
15 immorality affecting the discharge of his duties as a
16 pharmacist or intern."

Section 5. Section 37-7-321, MCA, is amended to read: 17 "37-7-321. Certified pharmacy license -- suspension or 18 revocation. (1) The board shall provide for the original 19 certification and annual renewal by the department of every 20 pharmacy doing business in this state. On presentation of 21 evidence satisfactory to the board and on application on a 22 form prescribed by the board and on the payment of an 23 original certification fee prescribed by the board, the 24 department shall issue a license to a pharmacy as a 25

certified pharmacy. However, the license may be granted only 1 2 to pharmacies operated by registered pharmacists qualified under this chapter. The annual renewal fee for a pharmacy 3 shall be set by the board. Any default in the payment of 4 such renewal fee after the date the same is due shall 5 increase the renewal fee as prescribed by the board. The 6 license must be displayed in a conspicuous place in the 7 8 pharmacy for which it is issued and expires on June 30 9 following the date of issue. It is unlawful for a person to conduct a pharmacy, use the word "pharmacy" to identify his 10 business, or use the word "pharmacy" in advertising unless a 11 license has been issued and is in effect. 12 (2) The board may suspend, revoke, or refuse to renew 13 14 a pharmacy license: 15 (a) obtained by false representation or fraud; 16 (b) when the pharmacy for which the license is issued

17 is kept open for the transaction of business without a 18 pharmacist in charge;

19 (c) when the person to whom the license is granted has20 been convicted of:

21 (i) a violation of parts 1 through 3 of this chapter;
22 or

(ii) a violation of the Federal Food, Drug, and
Cosmetic Act (Title 21, chapter 9, United-States--Code
U_S_c_a); chapter 2 or 7 of Title 37, chapter 9 or 10 of

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Ţ	Title 45. or chapter 31 or 32 of Title 50. MCA: or rules
Ş	adopted under such act or chapters:
з	(d) when the person to whom the license is granted is
4	a natural person whose pharmacist license has been revoked;
5	or
6	(e) when the pharmacy is conducted in violation of
7	parts 1 through 3 of this chapter.
8	(3) Before a license can be revoked, the holder is
9	entitled to a hearing by the board."
10	<u>NEW SECTION</u> . Section 6. Transition of terms of board
11	members. The provisions of [section 2 of this act] amending
12	2-15-1843(3), establishing 5-year staggered terms for
13	members of the board of pharmacy, apply to the terms of
14	members serving on the board on October 1, 1983. The
15	governor shall modify the terms of such board members so
16	that one term will expire annually in each of the 5
17	subsequent years.
18	NEW SECTION. Section 7. Termination date of section
19	 Section 6 terminates on September 30, 1987.
20	<u>NEW SECTION.</u> Section 8. Repealer. Sections 37-7-403
21	through 37-7-405, MCA, are repealed.
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1	STATEMENT OF INTENT
2	HQUSE BILL 337
3	House Human Services Committee
4	
5	A Statement of Intent is required on House Bill 337
6	because sections 2 and 3 delegate to the Board of
7	Pharmacists power to approve accredited pharmacy degree
8	programs for qualifications for appointment for licensed
9	members on the Board and for qualifications to be entitled
10	for examination as a pharmacist. It is intended that the
11	Board will approve those standards which are at least
12	equivalent to the minimum standards required by the American
13	Council on Pharmaceutical Education. The American Council on
14	Pharmaceutical Education operates as an independent
15	organization; but is recognized by the United States
16	Commissioner of Education, the Department of Health and
17	Human Services, and the Council on Postsecondary
18	Accreditation.

SECOND READING

Approved by Comm. on Human Services

1	HOUSE BILL NO. 337	1
2	INTRODUCED BY METCALF, HAZELBAKER, O'CONNELL,	2
3	FARRIS, HEMSTAD, FABREGA	3
4	BY REQUEST OF THE BOARD OF PHARMACISTS	4
5		5
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND	6
7	CLARIFY THE LAWS RELATING TO THE BOARD OF PHARMACISTS;	7
8	CHANGING THE NAME OF THE BOARD TO THE BOARD OF PHARMACY;	8
9	AMENDING THE PROVISIONS ON PROFESSIONAL EDUCATION; CHANGING	9
10	THE TERMS OF MEMBERS OF THE BOARD AND PROVIDING A TRANSITION	10
11	TO THE LONGER TERM; ESTABLISHING QUALIFICATIONS FOR THE	11
12	PUBLIC MEMBERS OF THE BOARD; CLARIFYING THE PROVISIONS ON	12
13	WHAT CONSTITUTES A VIOLATION OF PHARMACY LAW RELATING TO	13
14	DISCIPLINARY ACTION AGAINST PHARMACISTS; REMOVING THE	14
15	REQUIREMENT FOR A REEXAMINATION FEE; AMENDING SECTIONS	15
16	2-15-1843, 37-7-302, 37-7-311, AND 37-7-321, MCA; AND	16
17	REPEALING SECTIONS 37-7-403 THROUGH 37-7-405, MCA.*	17
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 <u>NEW_SECIION</u> Section 1. Board renamed -- instructions
 to code commissioner. (1) The board of pharmacists provided
 for in 2-15-1843 is renamed the board of pharmacy.

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every reference to the "board of pharmacists" in the Montana
Code Annotated and in statutes passed by the 48th

1	legislature and approved by the governor to "board of
2	pharmacy".
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4	"2~15-1843. Board of phormacists <u>pharmacy</u> . (1) There
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10	[a] Each licensed member shall-be-agraduateofthe
11	collegeofphormocy <u>must_baye_graduated_and_received_tb</u> e
12	first_professional_undergraduate_degree_from_theschoolof
13	pharmacy of the university of Montana or of-s-college-or
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18	experience as a pharmacist immediately before his
19	appointment. A licensed member who, during his term of
20	office, ceases to be actively engaged in the practice of
21	pharmacy in this state, shall be automatically disqualified
22	from membership on the board.
23	[b]Each_public_member_of_the_board_must_be_a_resident
24	of_the_state_and_may_oot_be_or_exer_baxe_beed:

25 (i)_a_member_of_tbe_profession_of_pharmacy_or_the

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1	<u>spouse_of_a_member_of_the_profession_of_pharmacy:</u>	1	onapplicantwhofa ilsisentitledto takethen s xt
2	fiila_personbaying_any_material_financial_interest	2	successing-examination-free-of-charge+
3	in_the_providing_of_pharmacy_servicesi_or	3	(3) To be entitled to examination as a pharmacist, the
4	filil_a_person_who_bas_engaged_in_any_activity	4	applicant shall be of good moral character and a-graduate-of
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10	after reasonable notice of charges against him and after a	10	board sballbayegraduatedandreceivedthefirst
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18	shall record the names of persons examined, together with	18	department to grant registration without examination to a
19	the grounds on which the right of each to examination was	19	pharmacist licensed by a board of pharmacy or a similar
20	claimed, and also the names of persons registered by	20	board of another state which accords similar recognition to
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25	taking the examination. Bn-again-making-payment-of-the-feev	25	board.
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1 (5) Every person licensed and registered under this 2 chapter shall receive from the department an appropriate 3 certificate attesting the fact, which shall be conspicuously 4 displayed at all times in his place of business.[#]

Section 4. Section 37-7-311, MCA, is amended to read:
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Eederal_foods_Drugs_and_Cosmetic_Act_(Iitle_21s_chapter_9s
UsSsCslichapter_2_or_7_of_Iitle_37s_chapter_9_or_10_of
Iitle_45s_or_chapter_31_or_32_of_Iitle_50s_MCA:_or_rules
adopted_under_such_act_or_chapters; or

18 (4) has been found by the board guilty of incompetency
19 in the preparation of prescriptions or guilty of gross
20 immorality affecting the discharge of his duties as a
21 pharmacist or intern."

Section 5. Section 37-7-321, MCA, is amended to read:
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(b) when the pharmacy for which the license is issued
is kept open for the transaction of business without a
pharmacist in charge;

24 (c) when the person to whom the license is granted has25 been convicted of:

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(i) a violation of parts 1 through 3 of this chapter; 1 1 2 or 3 (ii) a violation of the Federal Food, Drug, and Cosmetic Act (Title 21, chapter 9, United--States--Gode 4 5 UsSeCal; chapter_2_or_7_of_Title_37a_chapter_9_of_10_of litle_45: or_chapter_31_or_32_of_litle_50:_MCA:_or_rules 6 7 adopted_under_such_act_or_chapters: 8 (d) when the person to whom the license is granted is 9 a natural person whose pharmacist license has been revoked; 10 or 11 (e) when the pharmacy is conducted in violation of parts 1 through 3 of this chapter. 12 13 (3) Before a license can be revoked, the holder is 14 entitled to a hearing by the board." 15 NEW_SECIIONs Section 6. Transition of terms of board 16 members. The provisions of [section 2 of this act] amending 17 2-15-1843(3), establishing 5-year staggered terms for 18 members of the board of pharmacy, apply to the terms of 19 members serving on the board on October 1, 1983. The 20 governor shall modify the terms of such board members so 21 that one term will expire annually in each of the 5 22 subsequent years. YEW_SECTION. Section 7. Termination date of section 23 24 6. Section 6 terminates on September 30, 1987. 25 NEW_SECIION. Section 8. Repealer. Sections 37-7-403 -7-HB 337

through 37-7-405, MCA, are repealed.

-End-

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STATEMENT OF INTENT 1 2 HOUSE BILL 337 3 House Human Services Committee 4 5 A Statement of Intent is required on House Bill 337 6 because sections 2 and 3 delegate to the Board of 7 Pharmacists power to approve accredited pharmacy degree 8 programs for qualifications for appointment for licensed 9 members on the Board and for qualifications to be entitled 10 for examination as a pharmacist. It is intended that the 11 Board will approve those standards which are at least 12 equivalent to the minimum standards required by the American 13 Council on Pharmaceutical Education. The American Council on 14 Pharmaceutical Education operates as an independent 15 organization, but is recognized by the United States 16 Commissioner of Education, the Department of Health and 17 Human Services, and the Council on Postsecondary Accreditation. 18

> THIRD READING AB337

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1	HOUSE BILL NO. 337	1	legislature and approved by the governor to "board of
2	INTRODUCED BY METCALF, HAZELBAKER, O'CONNELL,	2	pharmacy".
3	FARRIS, HEMSTAD, FABREGA	3	Section 2. Section 2-15-1843, NCA, is amended to read:
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т	CLARIFY THE LAWS RELATING TO THE BOARD OF PHARMACISTS;	7	the governor with the consent of the senate. Three members
8	CHANGING THE NAME OF THE BOARD TO THE BOARD OF PHARMACY;	8	must be licensed pharmacists, and two members must be from
9	AMENDING THE PROVISIONS ON PROFESSIONAL EDUCATION; CHANGING	9	the general public.
10	THE TERMS OF MEMBERS OF THE BOARD AND PROVIDING A TRANSITION	10	[a] Each licensed member shall-be-agraduateofthe
11	TO THE LONGER TERM; ESTABLISHING QUALIFICATIONS FOR THE	11	collegeofphermocy must_baye_graduated_and_received_the
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13	WHAT CONSTITUTES A VIOLATION OF PHARMACY LAW RELATING TO	13	pharmacy of the university of Montana or of-a-college-or
14	DISCIPLINARY ACTION AGAINST PHARMACISTS; REMOVING THE	14	school-of from_anaccredited pharmacy occreditedbythe
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17	REPEALING SECTIONS 37-7-403 THROUGH 37-7-405, MCA.*	17	shall have at least 5 consecutive years of practical
18		18	experience as a pharmacist immediately before his
19	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA:	19	appointment. A licensed member who, during his term of
20	<u>NEW_SECIION</u> Section 1. Board renamed instructions	20	office, ceases to be actively engaged in the practice of
21	to code commissioner. (1) The board of pharmacists provided	21	pharmacy in this statey shall be automatically disqualified
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24	every reference to the "board of pharmacists" in the Montana	24	of the state and may not be or ever have been:
25	Code Annotated and in statutes passed by the 48th	25	[i]

HB 337 THIRD READING

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1	spouse_of_a_member_of_the_profession_of_pharmacyi	. 1	anapplicantwhofailsisantitledtotakethenext
2	(ii)_a_person_baying_any_material_financial_interest	2	succeeding-exemination-free-of-charge.
3	in_the_providing_of_pharmacy_servicesi_or	3	(3) To be entitled to examination as a pharmacist, the
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. 9	governor on proof of malfeasance or misfeasance in office,	9	complied-with-the-internship-requirements-established-by-the
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11	hearing.	11	professional_undergraduate_degree_from_theschoolof
12	(4) The board is allocated to the department for	12	<u>pharmacy_of_the_university_of_Nontana_or_from_an_accredited</u>
13	administrative purposes only as prescribed in 2-15-121."	13	<u>pharmacy_degree_program_that_bas_beeo_approved_by_the_board</u> .
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15	"37-7-302. Examination qualifications fees	15	LICENSEWIILHEHASCOMPLIED_WITH_THE_INTERNSHIP
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25	taking the examination. On-again-making-payment-of-the-fear	25	board.

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5 Section 4. Section 37-7-311, MCA, is amended to read: 6 "37-7-311. Revocation of license issued to pharmacist 7 or intern. The board shall revoke licenses issued by the department to a pharmacist or intern whenever the holder of 1.9 the license:

10 (1) has obtained it by false representations or fraud; 11 (2) is an habitual drunkard or addicted to the use of 12 narcotic drugs;

13 (3) has been convicted of violating the pharmacy--law 14 Eggeral__foods__Orugs_and_Cosmetic_Act_[litle_21._chapter_9. 15 UsSetal: chapter_2_or_7_of_Title_37*__chapter_9_or_10_of 16 litle_45:_or_chapter_31_or_32_of_litle_50: MCA:_or_rules 17 adopted_under_such_act_or_chapters; or

18 (4) has been found by the board guilty of incompetency in the preparation of prescriptions or guilty of gross 19 immorality affecting the discharge of his duties as a 20 21 pharmacist or intern."

22 Section 5. Section 37-7-321. MCA, is amended to read: 23 #37-7-321. Certified pharmacy license -- suspension or 24 revocation. (1) The board shall provide for the original 25 certification and annual renewal by the department of every

1 pharmacy doing business in this state. On presentation of 2 evidence satisfactory to the board and on application on a 3 form prescribed by the board and on the payment of an 4 original certification fee prescribed by the board, the 5 department shall issue a license to a pharmacy as a 6 certified pharmacy. However, the license may be granted only 7 to pharmacies operated by registered pharmacists qualified 8 under this chapter. The annual renewal fee for a pharmacy shall be set by the board. Any default in the payment of 9 10 such renewal fee after the date the same is due shall 11 increase the renewal fee as prescribed by the board. The 12 license must be displayed in a conspicuous place in the 13 pharmacy for which it is issued and expires on June 30 14 following the date of issue. It is unlawful for a person to 15 conduct a pharmacy, use the word "pharmacy" to identify his business, or use the word "pharmacy" in advertising unless a 16 17 license has been issued and is in effect. 18 (2) The board may suspend, revoke, or refuse to renew

19 a pharmacy license:

(a) obtained by false representation or fraud;

21 (b) when the pharmacy for which the license is issued 22 is kept open for the transaction of business without a 23 pharmacist in charge;

24 (c) when the person to whom the license is granted has 25 been convicted of:

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HB 0337/02

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1	(i) a violation of parts 1 through 3 of this chapter;	1	through 37-7-405,	MCA, ar	e repealed.
2	or				-End-
3	(il) a violation of the Federal Food, Drug, and				
. 4	Cosmetic Act (Title 21; chapter 9; United-States-Gode				
5	WaSala); chapter_2_or_7_of_litle_37s_chapter_9_or_10_of				
6	Title 45: or chapter 31 or 32 of Title 50: MCA: or rules				
7	adopted_under_such_act_or_chapters;				
8	(d) when the person to whom the license is granted is				
9	a natural person whose pharmacist license has been revoked;				
10	or				
11	(e) when the pharmacy is conducted in violation of				
12	parts 1 through 3 of this chapter.				
13	(3) Before a license can be revoked, the holder is				
14	entitled to a hearing by the board."				
15	NEW_SECTION_ Section 6. Transition of terms of board				
16	members. The provisions of [section 2 of this act] amending				
17	2-15-1843(3), establishing 5-year staggered terms for				
18	members of the board of pharmacy, apply to the terms of				
19	members serving on the board on October 1, 1983. The				
20	governor shall modify the terms of such board members so				
21	that one term will expire annually in each of the 5				
22	subsequent years.				
23	<u>YEW_SECTION</u> Section 7. Termination date of section				
24	6. Section 6 terminates on September 30, 1987.				
25	NEW SECTION: Section 8. Repeater. Sections 37-7-403				
					-8-
	-7- HB 337				-

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1	STATEMENT OF INTENT
2	HOUSE BILL 337
3	House Human Services Committee
4	

5 A Statement of Intent is required on House Bill 337 6 because sections 2 and 3 delegate to the Board of Pharmacists power to approve accredited pharmacy degree 7 8 programs for qualifications for appointment for licensed 9 members on the Board and for qualifications to be entitled for examination as a pharmacist. It is intended that the 10 11 Board will approve those standards which are at least equivalent to the minimum standards required by the American 12 13 Council on Pharmaceutical Education. The American Council on Pharmaceutical Education operates as an independent 14 15 organization, but is recognized by the United States 16 Commissioner of Education, the Department of Health and 17 Human Services, and the Council on Postsecondary Accreditation. 18

> REFERENCE BILL HB 337

HB 0337/02

1	HOUSE BILL NO. 337
Z	INTRODUCED BY METCALF, HAZELBAKER, O'CONNELL,
э	FARRIS, HEMSTAD, FABREGA
4	BY REQUEST OF THE BOARD OF PHARMACISTS

A BIL_ FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND 6 CLARIFY THE LAWS RELATING TO THE BOARD OF PHARMACISTS; 7 CHANGING THE NAME OF THE BOARD TO THE BOARD OF PHARMACY; 8 9 AMENDING THE PROVISIONS ON PROFESSIONAL EDUCATION; CHANGING THE TERMS OF MEMBERS OF THE BOARD AND PROVIDING A TRANSITION 10 TO THE LONGER TERM; ESTABLISHING QUALIFICATIONS FOR THE 11 PUBLIC MEMBERS OF THE BOARD; CLARIFYING THE PROVISIONS ON 12 WHAT CONSTITUTES A VIOLATION OF PHARMACY LAW RELATING TO 13 DISCIPLINARY ACTION AGAINST PHARMACISTS; REMOVING THE 14 REQUIREMENT FOR A REEXAMINATION FEE; AMENDING SECTIONS 15 2-15-1943, 37-7-302, 37-7-311, AND 37-7-321, MCA; AND 16 REPEALING SECTIONS 37-7-403 THROUGH 37-7-405, MCA.= 17

18

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BF IT ENACTED BY THE LEGISLATURE OF THE STATE OF MUNTANA:
 <u>YEW_SECIION</u> Section 1. Board renamed -- instructions
 to code commissioner. (1) The board of pharmacists provided
 for in 2-15-1843 is renamed the board of pharmacy.

(2) The code commissioner is instructed to change
every reference to the "board of pharmacists" in the Montana
Code Annotated and in statutes passed by the 48th

1	legislature and approved by the governor to "board of
2	pharmacy™
3	Section 2. Section 2-15-1843, MCA, is amended to read:
4	*2-15-1843. Board of pharmacists <u>pharmacy</u> . (1) There
5	is a board of pharmacists <u>pharmacy</u>.
6	(2) The board consists of five members appointed by
7	the governor with the consent of the senate. Three members
8	must be licensed pharmacists, and two members must be from
9	the general public.
10	(a) Each licensed member shall-be-agraduateofthe
11	collegeofpharmocy must_baye_graduated_and_received_the
12	first_professional_undergraduate_degree_from_theschoolof
13	<u>pharmary</u> of the university of Montana or of-a-college-or
14	school-of from_aoaccredited pharmacy sccreditedbythe
15	American-council-on-pharmaceutical-education <u>degree program</u>
16	<u>that_bas_bgen_approxed_by_tbe_board</u> + Each licensed member
17	shall have at least 5 consecutive years of practical
18	experience as a pharmacist immediately before his
19	appointment. A licensed member who, during his term of
20	office, ceases to be actively engaged in the practice of
21	pharmacy in this state, shall be automatically disqualified
22	from membership on the board.
23	<u>(b)facb_public_member_of_tbg_board_must_be_a_resident</u>
24	of_the_state_and_max_not_be_or_ever_bave_beeni
25	<u>(i)_a_member_of_tbe_profession_of_pharmacy_ortbe</u>

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REFERENCE BILL

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1 spouse_of_a_member_of_the_profession_of_pharmacx: Z (11) a person baying any material financial interest 3 in the providing of pharmacy services1 or 4 fiii) a person who has engaged in any activity 5 directly_related_to_the_practice_of_pharmacy. 6 (3) Hembers shall serve staggered 3-year Sizear terms. 7 8 board. A member shall be removed from office by the 9 governor on proof of malfeasance or misfeasance in office, 10 after reasonable notice of charges against him and after a 11 hearing. 12 (4) The board is allocated to the department for

13 administrative purposes only as prescribed in 2-15-121." 14 Section 3. Section 37-7-302, MCA, is amended to read: 15 #37-7-302. Examination -- qualifications -- fees --16 reciprocity. (1) The department shall give reasonable notice 17 of examinations by mail to known applicants. The department 18 shall record the names of persons examined, together with 19 the grounds on which the right of each to examination was 20 claimed, and also the names of persons registered by 21 examination or otherwise.

22 (2) The fee for an examination shall be set by the 23 board at a figure commensurate with costs, which fee may in 24 the discretion of the board be returned to applicants not 25 taking the examination. Bn-again-making-payment-of-the-feey

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1 2 succeeding-examination-free-of-charges 3 (3) To be entitled to examination as a pharmacist, the applicant shall be of good moral character and argraduate-of 4 the--school-of-phermacy-of-the-university-of-Hontane-or-of-a 5 6 college-or-school-of-pharmacy--accredited--by--the--American 7 council--on--pharmaceutical-educations-but-the-applieant-may 8 not-receive-a-registered-pharmacist^as-license-until--he--has 9 complied-with-the-internship-requirements-established-by-the 10 board shall___have___graduated___and__received_the__first 11 professional_undergraduate_degree_from_tbe___school___of pharmacy_of_the_university_of_Montana_or_from_an_accredited 12 13 pharmacy_deoree_propram_that_bas_been_approved_by_the_board. 14 HOWEVER. NO APPLICANT_MAY_RECEIVE_A_REGISTERED__PHARMACISI'S LICENSE UNTIL HE HAS COMPLIED WITH THE INTERNSHIP 15 REQUIREMENTS_ESTABLISHED_BY_THE_BOARDA 16 17 (4) The board may in its discretion authorize the 18 department to grant registration without examination to a 19 pharmacist licensed by a board of pharmacy or a similar board of another state which accords similar recognition to 20 21 licensees of this state if the requirements for registration in the other state are, in the opinion of the board, 22 23 equivalent to the requirements of this chapter. The fee for registration by reciprocity shall be prescribed by the 24 25 board.

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1 (5) Every person licensed and registered under this 2 chapter shall receive from the department an appropriate 3 certificate attesting the fact, which shall be conspicuously 4 displayed at all times in his place of business.^m

5 Section 4. Section 37-7-311, HCA, is amended to read: 6 =37-7-311. Revocation of license issued to pharmacist 7 or intern. The board shall revoke licenses issued by the 8 department to a pharmacist or intern whenever the holder of 9 the license:

10 (1) has obtained it by false representations or fraud;
11 {2} is an habitual drunkard or addicted to the use of
12 narcotic drugs;

13 (3) has been convicted of violating the pharmacy-law 14 Eederal_Eoods_Orugs_and_Cosmetic_Act_(Title_21s_chapter_9s 15 UsSsCs):_chapter_2_or_7_of_Title_37s_chapter_9_or_10_of 16 Title_45s_or_chapter_31_or_32_of_Title_50s_MCA:_or_rules 17 adopted_upder_such_act_or_chapters; or

18 (4) has been found by the board guilty of incompetency 19 in the preparation of prescriptions or guilty of gross 20 immorality affecting the discharge of his duties as a 21 pharmacist or intern."

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24 (c) when the person to whom the license is granted has25 been convlcted of:

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1 (i) a violation of parts 1 through 3 of this chapter; 2 or 3 (ii) a violation of the Federal Food, Drug, and Cosmetic Act (Title 21, chapter 9, United--States--Code 4 5 Usscale): chapter_Z_or_7_of_litle_31s_chapter_9_or_10_of 6 Iitle 45, or chapter 31 or 32 of Iitle 50, MCA: or rules 7 adopted_under_such_act_or_chapters: 8 (d) when the person to whom the license is granted is 9 a natural person whose pharmacist license has been revoked; 10 ٥r 11 (e) when the pharmacy is conducted in violation of 12 parts 1 through 3 of this chapter. 13 (3) Before a license can be revoked, the holder is entitled to a hearing by the board." 14 15 NEW_SECTION. Section 6. Transition of terms of board 16 members. The provisions of [section 2 of this act] amending 17 2-15-1843(3), establishing 5-year staggered terms for 18 members of the board of pharmacy, apply to the terms of 19 members serving on the board on October 1, 1983. The governor shall modify the terms of such board members so 20 21 that one term will expire annually in each of the 5 22 subsequent years.

23NEW_SECTION_ Section 7. Termination date of section246. Section 6 terminates on September 30, 1987.

25 NEW_SECTION. Section 8. Repeater. Sections 37-7-403

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1 through 37-7-405, MCA, are repealed.

-End-

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