



House Bill No. 6354

Public Act No. 11-121

AN ACT CONCERNING THE PHARMACY PRACTICE ACT AND PRACTITIONER CONTROLLED SUBSTANCE REGISTRATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 20-590 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2012*):

(a) The department shall, upon authorization of the commission, issue a license to practice pharmacy as a pharmacist to any individual provided the individual:

(1) Has submitted a written application on a form approved by the department;

(2) Has graduated from a college or school of pharmacy approved by the commission with a degree that was, at the time of graduation, an entry level professional pharmacy degree;

(3) Has the professional experience as a pharmacy intern required by regulations adopted by the commissioner, with the advice and assistance of the commission, in accordance with chapter 54;

(4) Has successfully passed [the examination described under subsection (b) of this section;] any examinations required by the

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commissioner; and

(5) Is eighteen years of age or older at the time of [the examination] application. [; and

(6) Has paid the examination fee specified in section 20-601.

(b) The examination for licensure required under subsection (a) of this section shall be given by the commission at least two times each year. The commission shall, with the approval of the commissioner, determine the content and subject matter of each examination, and the place, time and date of administration of the examination.]

[(c)] (b) The Department of Consumer Protection shall, upon authorization of the commission, issue a temporary permit to practice pharmacy to an individual who: (1) Practices under the direct supervision of a licensed pharmacist; (2) has an application for reciprocity on file with the commission; (3) is a licensed pharmacist in good standing in a state or jurisdiction from which such state's pharmacy board or commission of pharmacy grants similar reciprocal privileges to pharmacists licensed in this state; and (4) has no actions pending against such individual's license with any state's pharmacy board or commission of pharmacy.

[(d)] (c) A temporary permit to practice pharmacy shall expire at the time the individual with the temporary permit is licensed as a pharmacist in this state, or not later than three months from the date of issuance of such temporary permit, whichever occurs first. The Department of Consumer Protection shall not issue more than one temporary permit to practice pharmacy to an individual, but the commission, at its discretion, may authorize one three-month extension of the temporary permit.

Sec. 2. Subsection (b) of section 20-591 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective*

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January 1, 2012):

(b) The individual shall comply with the requirements of subdivisions (1), (2), (4) [,] and (5) [and (6)] of subsection (a) of section 20-590, as amended by this act, and with regulations adopted as provided in subsection (c) of this section.

Sec. 3. Section 20-593 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2012*):

(a) A license to practice pharmacy issued under the provisions of section 20-590, as amended by this act, or under the provisions of section 20-591, as amended by this act, or 20-592 and a license to practice pharmacy renewed pursuant to subsections (b) and (c) of this section shall be evidenced by a certificate issued by the department upon authorization of the commission.

(b) A license to practice pharmacy shall expire [annually] biennially and may be renewed upon completion of an application on a form approved by the department, payment of [the fee set forth in section 20-601] one hundred twenty dollars and completion of continuing professional education, as required by sections 20-599 and 20-600.

(c) The commission shall not grant a renewal license to an applicant who has not held a license authorized by the commission within five years of the date of application unless the applicant has passed an examination satisfactory to the commission and has paid the fee required in [section 20-601] subsection (b) of this section.

(d) In addition to the certificate of license to practice pharmacy issued under subsection (a) of this section, the department may issue a document suitable for display indicating that the individual has been issued a certificate of license to practice pharmacy.

Sec. 4. Section 20-601 of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective January 1, 2012*):

The department shall collect the following nonrefundable fees:

(1) The fee for issuance of a pharmacist license is two hundred dollars, payable at the date of application for the license.

[(2) The fee for applying to take the pharmacist license examination required in section 20-590 and in section 20-591 is one hundred ninety dollars, payable at the date of application for the pharmacist license.]

[(3)] (2) The fee for renewal of a pharmacist license is the professional services fee for class A, as defined in section 33-182l. Before the commission grants a license to an applicant who has not held a license authorized by the commission within five years of the date of application, the applicant shall pay the [fees] fee required in [subdivisions] subdivision (1) [and (2)] of this section.

[(4)] (3) The fee for issuance of a pharmacy license is seven hundred fifty dollars.

[(5)] (4) The fee for renewal of a pharmacy license is one hundred ninety dollars.

[(6)] (5) The late fee for an application for renewal of a license to practice pharmacy, a pharmacy license or a permit to sell nonlegend drugs is the amount set forth in section 21a-4.

[(7)] (6) The fee for notice of a change in officers or directors of a corporation holding a pharmacy license is sixty dollars for each pharmacy license held. A late fee for failing to give such notice within ten days of the change is fifty dollars in addition to the fee for notice.

[(8)] (7) The fee for filing notice of a change in name, ownership or management of a pharmacy is ninety dollars. A late fee for failing to give such notice within ten days of the change is fifty dollars in

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addition to the fee for notice.

[(9)] (8) The fee for application for registration as a pharmacy intern is sixty dollars.

[(10)] (9) The fee for application for a permit to sell nonlegend drugs is one hundred forty dollars.

[(11)] (10) The fee for renewal of a permit to sell nonlegend drugs is one hundred dollars.

[(12)] (11) The late fee for failing to notify the commission of a change of ownership, name or location of the premises of a permit to sell nonlegend drugs within five days of the change is twenty dollars.

[(13)] (12) The fee for issuance of a nonresident pharmacy certificate of registration is seven hundred fifty dollars.

[(14)] (13) The fee for renewal of a nonresident pharmacy certificate of registration is one hundred ninety dollars.

[(15)] (14) The fee for application for registration as a pharmacy technician is one hundred dollars.

[(16)] (15) The fee for renewal of a registration as a pharmacy technician is fifty dollars.

[(17)] (16) The fee for issuance of a temporary permit to practice pharmacy is two hundred dollars.

Sec. 5. Section 21a-319 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2012*):

No certificate of registration shall be issued, maintained or renewed under this chapter unless or until the applicant has furnished proof satisfactory to the Commissioner of Consumer Protection that he or

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she is licensed or duly authorized to practice his or her profession by the appropriate state licensing board, commission or registration agency; or, in the case of a hospital or other institution, by the appropriate state agency having jurisdiction over the licensure, registration or approval of such establishment.

Sec. 6. Section 21a-320 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2012*):

The commissioner shall register an applicant unless he or she determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the commissioner shall consider the following factors:

(1) Maintenance of effective controls against diversion of controlled substances into other than duly authorized legitimate medical, scientific, or commercial channels;

(2) Compliance with all applicable state and federal laws and regulations concerning controlled substances;

(3) Any conviction of the applicant under any state or federal law relating to controlled substances;

(4) Furnishing by the applicant of false or fraudulent information or material in any application filed under this chapter;

(5) Expiration, suspension, revocation, surrender or denial of the practitioner's federal controlled substance registration;

(6) Prescribing, distributing, administering or dispensing of controlled substances in schedules other than those specified in the practitioner's state or federal registration; and

(7) Suspension, revocation, expiration or surrender of, or other disciplinary action taken against, any professional license or

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registration held by the practitioner.

Sec. 7. Section 21a-322 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2012*):

The commissioner may suspend, revoke or refuse to renew a registration, place a registration on probation, place conditions on a registration and assess a civil penalty of not more than one thousand dollars per violation of this chapter, for sufficient cause. Any of the following shall be sufficient cause for such action by the commissioner: (1) The furnishing of false or fraudulent information in any application filed under this chapter; (2) conviction of a crime under any state or federal law relating to the registrant's profession, controlled substances or drugs or fraudulent practices, including, but not limited to, fraudulent billing practices; (3) failure to maintain effective controls against diversion of controlled substances into other than duly authorized legitimate medical, scientific, or commercial channels; (4) the suspension, revocation, expiration or surrender of the practitioner's federal controlled substance registration; (5) prescribing, distributing, administering or dispensing a controlled substance in schedules other than those specified in the practitioner's state or federal registration or in violation of any condition placed on the practitioner's registration; (6) [the restriction, suspension, revocation or limitation of a professional license or certificate as a result of a proceeding pursuant to the general statutes] suspension, revocation, expiration, surrender or other disciplinary action taken against any professional license or registration held by the practitioner; (7) abuse or excessive use of drugs; (8) possession, use, prescription for use or distribution of controlled substances or legend drugs, except for therapeutic or other proper medical or scientific purpose; (9) a practitioner's failure to account for disposition of controlled substances as determined by an audit of the receipt and disposition records of said practitioner; and (10) failure to keep records of medical evaluations of patients and all

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controlled substances dispensed, administered or prescribed to patients by a practitioner.

Approved July 8, 2011