



House of Representatives

General Assembly

File No. 180

January Session, 2011

House Bill No. 6354

House of Representatives, March 23, 2011

The Committee on General Law reported through REP. TABORSAK of the 109th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

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:

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 Section 20-590 of the general statutes is repealed and the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

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

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

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

11 (3) Has the professional experience as a pharmacy intern required
12 by regulations adopted by the commissioner, with the advice and

13 assistance of the commission, in accordance with chapter 54;

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

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

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

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

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

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

43 Sec. 2. Subsection (b) of section 20-591 of the general statutes is

44 repealed and the following is substituted in lieu thereof (*Effective*
45 *January 1, 2012*):

46 (b) The individual shall comply with the requirements of
47 subdivisions (1), (2), (4) [.] and (5) [and (6)] of subsection (a) of section
48 20-590, as amended by this act, and with regulations adopted as
49 provided in subsection (c) of this section.

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

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

58 (b) A license to practice pharmacy shall expire [annually] biennially
59 and may be renewed upon completion of an application on a form
60 approved by the department, payment of [the fee set forth in section
61 20-601] one hundred twenty dollars and completion of continuing
62 professional education, as required by sections 20-599 and 20-600.

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

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

72 Sec. 4. Section 20-601 of the general statutes is repealed and the
73 following is substituted in lieu thereof (*Effective January 1, 2012*):

74 The department shall collect the following nonrefundable fees:

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

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

80 [(3)] (2) The fee for renewal of a pharmacist license is the
81 professional services fee for class A, as defined in section 33-182l.
82 Before the commission grants a license to an applicant who has not
83 held a license authorized by the commission within five years of the
84 date of application, the applicant shall pay the [fees] fee required in
85 [subdivisions] subdivision (1) [and (2)] of this section.

86 [(4)] (3) The fee for issuance of a pharmacy license is seven hundred
87 fifty dollars.

88 [(5)] (4) The fee for renewal of a pharmacy license is one hundred
89 ninety dollars.

90 [(6)] (5) The late fee for an application for renewal of a license to
91 practice pharmacy, a pharmacy license or a permit to sell nonlegend
92 drugs is the amount set forth in section 21a-4.

93 [(7)] (6) The fee for notice of a change in officers or directors of a
94 corporation holding a pharmacy license is sixty dollars for each
95 pharmacy license held. A late fee for failing to give such notice within
96 ten days of the change is fifty dollars in addition to the fee for notice.

97 [(8)] (7) The fee for filing notice of a change in name, ownership or
98 management of a pharmacy is ninety dollars. A late fee for failing to
99 give such notice within ten days of the change is fifty dollars in
100 addition to the fee for notice.

101 [(9)] (8) The fee for application for registration as a pharmacy intern
102 is sixty dollars.

103 [(10)] (9) The fee for application for a permit to sell nonlegend drugs
104 is one hundred forty dollars.

105 [(11)] (10) The fee for renewal of a permit to sell nonlegend drugs is
106 one hundred dollars.

107 [(12)] (11) The late fee for failing to notify the commission of a
108 change of ownership, name or location of the premises of a permit to
109 sell nonlegend drugs within five days of the change is twenty dollars.

110 [(13)] (12) The fee for issuance of a nonresident pharmacy certificate
111 of registration is seven hundred fifty dollars.

112 [(14)] (13) The fee for renewal of a nonresident pharmacy certificate
113 of registration is one hundred ninety dollars.

114 [(15)] (14) The fee for application for registration as a pharmacy
115 technician is one hundred dollars.

116 [(16)] (15) The fee for renewal of a registration as a pharmacy
117 technician is fifty dollars.

118 [(17)] (16) The fee for issuance of a temporary permit to practice
119 pharmacy is two hundred dollars.

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

122 No certificate of registration shall be issued, maintained or renewed
123 under this chapter unless or until the applicant has furnished proof
124 satisfactory to the Commissioner of Consumer Protection that he or
125 she is licensed or duly authorized to practice his or her profession by
126 the appropriate state licensing board, commission or registration
127 agency; or, in the case of a hospital or other institution, by the
128 appropriate state agency having jurisdiction over the licensure,
129 registration or approval of such establishment.

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

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

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

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

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

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

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

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

150 (7) Suspension, revocation, expiration or surrender of, or other
151 disciplinary action taken against, any professional license or
152 registration held by the practitioner.

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

155 The commissioner may suspend, revoke or refuse to renew a
156 registration, place a registration on probation, place conditions on a
157 registration and assess a civil penalty of not more than one thousand
158 dollars per violation of this chapter, for sufficient cause. Any of the
159 following shall be sufficient cause for such action by the commissioner:
160 (1) The furnishing of false or fraudulent information in any application

161 filed under this chapter; (2) conviction of a crime under any state or
 162 federal law relating to the registrant's profession, controlled substances
 163 or drugs or fraudulent practices, including, but not limited to,
 164 fraudulent billing practices; (3) failure to maintain effective controls
 165 against diversion of controlled substances into other than duly
 166 authorized legitimate medical, scientific, or commercial channels; (4)
 167 the suspension, revocation, expiration or surrender of the practitioner's
 168 federal controlled substance registration; (5) prescribing, distributing,
 169 administering or dispensing a controlled substance in schedules other
 170 than those specified in the practitioner's state or federal registration or
 171 in violation of any condition placed on the practitioner's registration;
 172 (6) [the restriction, suspension, revocation or limitation of a
 173 professional license or certificate as a result of a proceeding pursuant
 174 to the general statutes] suspension, revocation, expiration, surrender or
 175 other disciplinary action taken against any professional license or
 176 registration held by the practitioner; (7) abuse or excessive use of
 177 drugs; (8) possession, use, prescription for use or distribution of
 178 controlled substances or legend drugs, except for therapeutic or other
 179 proper medical or scientific purpose; (9) a practitioner's failure to
 180 account for disposition of controlled substances as determined by an
 181 audit of the receipt and disposition records of said practitioner; and
 182 (10) failure to keep records of medical evaluations of patients and all
 183 controlled substances dispensed, administered or prescribed to
 184 patients by a practitioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2012	20-590
Sec. 2	January 1, 2012	20-591(b)
Sec. 3	January 1, 2012	20-593
Sec. 4	January 1, 2012	20-601
Sec. 5	January 1, 2012	21a-319
Sec. 6	January 1, 2012	21a-320
Sec. 7	January 1, 2012	21a-322

GL *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Consumer Protection, Dept.	GF - Revenue Impact	300,000	(300,000)
Consumer Protection, Dept.	GF - Savings	None	4,500

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a revenue gain of \$300,000 in FY 12 and a revenue loss of \$300,000 in FY 13 by changing the current \$60 annual pharmacy license to a \$120 biennial license. This results in no net change in revenue over the two fiscal years. There are currently 5,000 licensees. Additionally changing the biennial license requirements results in a savings to the Department of Consumer Protection of approximately \$4,500 in FY 13 as they would not have to print and mail licenses every year but instead every two years. Currently all licenses are due on January 31st of each year.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of licenses.

OLR Bill Analysis**HB 6354*****AN ACT CONCERNING THE PHARMACY PRACTICE ACT AND PRACTITIONER CONTROLLED SUBSTANCE REGISTRATION.*****SUMMARY:**

This bill changes some of the requirements for licensing pharmacists. It:

1. allows the Department of Consumer Protection (DCP) commissioner to determine the exam a pharmacist must pass in order to be licensed;
2. requires applicants to be age 18 when they apply for a license instead of age 18 when they take the exam; and
3. makes the pharmacy license expire biennially rather than annually, and correspondingly increases the renewal fee from \$60 to \$120.

The bill also changes some of the requirements for the certificate of registration for controlled substances. It (1) expands the circumstances when an applicant must verify his or her license, (2) adds a factor the DCP commissioner must consider before issuing a certificate, and (3) adds that factor to the list of reasons for taking action against a certificate.

EFFECTIVE DATE: January 1, 2012

PHARMACIST EXAMINATION

Current law requires license applicants to pass an exam given by the Pharmacy Commission, which must determine its content; subject matter; and the place, time, and date it will be held. The commission must hold the exam at least twice a year and charge a \$190 fee payable

on the date of application. The commissioner must approve the exam's content and subject matter.

In practice, neither the commission nor DCP determine or administer the exam. Instead, applicants must pass the National Association of Boards of Pharmacy's test.

The bill conforms the statute to practice by allowing the commissioner to determine the exams a pharmacist must pass to be licensed.

CERTIFICATE OF REGISTRATION FOR CONTROLLED SUBSTANCES

The law currently requires individuals and institutions licensed under the Controlled Substance Registration Act to provide proof of licensure for the commissioner to issue a certificate of registration. The bill extends this requirement to maintaining and renewing the certificate.

It also adds a factor the DCP commissioner must consider when registering an applicant. By law, the commissioner must determine if the registration would be inconsistent with the public interest based on statutory factors, ranging from complying with state and federal laws to adhering to prescribed schedules for administering substances. Under the bill, the DCP commissioner must also consider if any professional license or registration the applicant holds has expired; been suspended, revoked, or surrendered; or had other disciplinary action taken against it.

The bill adds this factor to the list of sufficient causes the commissioner must find to suspend, revoke, or refuse to renew a registration; place a registration on probation or put conditions on it; and assess a civil penalty up to \$1,000 for each violation.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 17 Nay 0 (03/10/2011)