

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-121—HB 6354

General Law Committee

Finance, Revenue and Bonding Committee

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

SUMMARY: This act makes several changes in the licensing requirements for pharmacists. It:

1. eliminates the statutorily defined pharmacy test and allows the Department of Consumer Protection (DCP) commissioner to determine the exam a pharmacist must pass 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 act retains a conflicting reference to a \$60 annual renewal fee.)

The act 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 disciplinary action against a certificate.

EFFECTIVE DATE: January 1, 2012

PHARMACIST EXAMINATION

Prior law required applicants to pass an exam given by the Pharmacy Commission, which determined its content; subject matter; and the place, time, and date it was held. The commission held the exam at least twice a year and charged a \$190 fee payable on the date of application. The DCP commissioner approved the exam's content and subject matter.

In practice, neither the commission nor DCP administered the statutory exam. Instead, applicants had to pass the National Association of Boards of Pharmacy's test. The act conforms the law to practice by allowing the commissioner to determine the exams a pharmacist must pass to be licensed and eliminates the statutory exam.

CERTIFICATE OF REGISTRATION FOR CONTROLLED SUBSTANCES

The law requires individuals and institutions to provide proof of licensure or authorization to practice to the DCP commissioner before he issues a certificate of registration allowing them to dispense controlled substances. The act extends this requirement to maintaining and renewing the certificate.

It also adds a factor the DCP commissioner must consider when registering an

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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 act, 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.

By law, the commissioner may, for sufficient cause, suspend, revoke, or refuse to renew a registration; place a registration on probation or put conditions on it; and assess a civil penalty of up to \$1,000 for each violation. Under prior law, sufficient cause included the restriction, suspension, revocation, or limitation of a professional license or certificate as a result of a proceeding. Under the act, sufficient cause instead includes the suspension, revocation, expiration, or surrender of, or other disciplinary action against, any professional license or registration.

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