

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 856

By: Standridge

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to pharmacy; 59 O.S. 2011, Section
9 353.7, as last amended by Section 4, Chapter 106,
10 O.S.L. 2018 (59 O.S. Supp. 2018, Section 353.7),
11 which relates to powers of the State Board of
12 Pharmacy; adding certain powers and duties; and
13 providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 59 O.S. 2011, Section 353.7, as
16 last amended by Section 4, Chapter 106, O.S.L. 2018 (59 O.S. Supp.
17 2018, Section 353.7), is amended to read as follows:

18 Section 353.7. The State Board of Pharmacy shall have the power
19 and duty to:

- 20 1. Regulate the practice of pharmacy;
- 21 2. Regulate the sale and distribution of drugs, medicines,
22 chemicals and poisons;
- 23 3. Regulate the dispensing of drugs and medicines in all places
24 where drugs and medicines are compounded and/or dispensed;

1 4. Examine and issue appropriate certificates of licensure as
2 Doctor of Pharmacy to all applicants whom the Board deems qualified
3 under the provisions of the Oklahoma Pharmacy Act;

4 5. Issue licenses to manufacturers, repackagers, outsourcing
5 facilities, wholesale distributors, third-party logistics providers,
6 pharmacies, and other dispensers, medical gas suppliers, and medical
7 gas distributors;

8 6. Issue sterile compounding and drug supplier permits for
9 pharmacies at the fee set by the Board, with the expiration date of
10 such permits to coincide with the pharmacy license annual expiration
11 date;

12 7. Prescribe minimum standards with respect to floor space and
13 other physical characteristics of pharmacies and hospital drug rooms
14 as may be reasonably necessary for the maintenance of professional
15 surroundings and for the protection of the safety and welfare of the
16 public, and to refuse the issuance of new or renewal licenses for
17 failure to comply with such standards. Minimum standards for
18 hospital drug rooms shall be consistent with the State Department of
19 Health, Hospital Standards, as defined in OAC 310:667;

20 8. Authorize its inspectors, compliance officers, and duly
21 authorized representatives to enter and inspect any and all places,
22 including premises, vehicles, equipment, contents and records, where
23 drugs, medicines, chemicals, or poisons are stored, sold, vended,
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1 given away, compounded, dispensed, manufactured, repackaged or
2 transported;

3 9. Employ the number of inspectors and pharmacist compliance
4 officers necessary in the investigation of criminal activity or
5 preparation of administrative actions at an annual salary to be
6 fixed by the Board, and to authorize necessary expenses. Any
7 inspector certified as a peace officer by the Council of Enforcement
8 Education and Training shall have statewide jurisdiction to perform
9 the duties authorized by this section. In addition, the inspectors
10 shall be considered peace officers and shall have the same powers
11 and authority as that granted to peace officers. In addition, such
12 inspectors or pharmacist compliance officers shall have the
13 authority to take and copy records and the duty to confiscate all
14 drugs, medicines, chemicals or poisons found to be stored, sold,
15 vended, given away, compounded, dispensed or manufactured contrary
16 to the provisions of the Oklahoma Pharmacy Act;

17 10. Investigate complaints, subpoena witnesses and records,
18 initiate prosecution, and hold hearings;

19 11. Administer oaths in all manners pertaining to the affairs
20 of the Board and to take evidence and compel the attendance of
21 witnesses on questions pertaining to the enforcement of the Oklahoma
22 Pharmacy Act;

23 12. Reprimand, place on probation, suspend, revoke permanently
24 and levy fines not to exceed Three Thousand Dollars (\$3,000.00) for

1 each count for which any person charged with violating the Oklahoma
2 Pharmacy Act or Oklahoma Board of Pharmacy administrative rules has
3 been convicted in Board hearings. The Board also may take other
4 disciplinary action. The Board may impose as part of any
5 disciplinary action the payment of costs expended by the Board for
6 any legal fees and costs, including, but not limited to, staff time,
7 salary and travel expense, witness fees and attorney fees. The
8 Board may also require additional continuing education, including
9 attendance at a live continuing education program, and may require
10 participation in a rehabilitation program for the impaired. The
11 Board may take such actions singly or in combination, as the nature
12 of the violation requires;

13 13. Adopt and establish rules of professional conduct
14 appropriate to the establishment and maintenance of a high standard
15 of integrity and dignity in the profession of pharmacy. Such rules
16 shall be subject to amendment or repeal by the Board as the need may
17 arise;

18 14. Make and publish rules such as may be necessary for
19 carrying out and enforcing the provisions of the Oklahoma Pharmacy
20 Act, Oklahoma drug laws and rules, federal drug laws and
21 regulations, and make such other rules as in its discretion may be
22 necessary to protect the health, safety, and welfare of the public;

23 15. Establish and collect appropriate fees for licenses,
24 permits, inspections, and services provided; and such fees shall be

1 nonrefundable. Such fees shall be promulgated to implement the
2 provisions of the Oklahoma Pharmacy Act under the provisions of the
3 Administrative Procedures Act;

4 16. Regulate:

- 5 a. personnel working in a pharmacy, such as interns and
6 supportive personnel, including technicians, and issue
7 pharmacy technician permits and intern licenses,
8 b. interns, preceptors and training areas through which
9 the training of applicants occurs for licensure as a
10 pharmacist, and
11 c. such persons regarding all aspects relating to the
12 handling of drugs, medicines, chemicals, and poisons;

13 17. Ensure that all Oklahoma-licensed pharmacies, inside and
14 outside the state, are in compliance with all laws and regulations
15 governing pharmacies, including but not limited to laws and
16 regulations related to:

- 17 a. technician-to-pharmacist ratio, which shall not exceed
18 a two-to-one (2:1) ratio, and
19 b. storage requirements for medications until received by
20 the patient;

21 18. Acquire by purchase, lease, gift, solicitation of gift or
22 by any other manner, and to maintain, use and operate or to contract
23 for the maintenance, use and operation of or lease of any and all
24 property of any kind, real, personal or mixed or any interest

1 therein unless otherwise provided by the Oklahoma Pharmacy Act;
2 provided, all contracts for real property shall be subject to the
3 provisions of Section 63 of Title 74 of the Oklahoma Statutes;

4 ~~18.~~ 19. Perform other such duties, exercise other such powers
5 and employ such personnel as the provisions and enforcement of the
6 Oklahoma Pharmacy Act may require; ~~and~~

7 ~~19.~~ 20. Approve pilot projects designed to utilize new or
8 expanded technology or processes and provide patients with better
9 pharmacy products or provide pharmacy services in a more safe and
10 efficient manner. Such approvals may include provisions granting
11 exemptions to any rule adopted by the Board; and

12 21. Set a maximum number of prescriptions per shift that a
13 pharmacist may fill, which shall not exceed five hundred (500)
14 prescriptions.

15 SECTION 2. This act shall become effective November 1, 2019.

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