

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 1349

Short Title: Raise Ceiling On Fees/Board of Pharmacy.

(Public)

Sponsors: Representative Wilkins.

Referred to: Finance.

April 21, 2005

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO RAISE THE CEILING ON ITS LICENSURE AND REGISTRATION FEES AND ESTABLISH CERTAIN NEW FEES AND MAKING CERTAIN CHANGES TO THE CONDITIONS OF LICENSE RENEWAL UNDER THE PHARMACY PRACTICE ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-85.24 reads as rewritten:

"§ 90-85.24. Fees collectible by Board.

The Board of Pharmacy shall be entitled to charge and collect not more than the following fees: for the examination of an applicant for license as a pharmacist, ~~one hundred sixty dollars (\$160.00)~~ two hundred dollars (\$200.00), plus the cost of the test material; for renewing the license as a pharmacist, ~~one hundred ten dollars (\$110.00)~~; one hundred ninety-five dollars (\$195.00); for reinstatement of a license as a pharmacist, three hundred seventy-five dollars (\$375.00); for annual registration of a pharmacy technician, ~~twenty-five dollars (\$25.00)~~; thirty-five dollars (\$35.00); for reinstatement of a registration of a pharmacy technician, seventy dollars (\$70.00); for licenses without examination as provided in G.S. 90-85.20, original, ~~four hundred dollars (\$400.00)~~; six hundred dollars (\$600.00); for original registration of a pharmacy, ~~three hundred fifty dollars (\$350.00)~~; five hundred dollars (\$500.00), and renewal thereof, ~~one hundred seventy-five dollars (\$175.00)~~; three hundred dollars (\$300.00); for reinstatement of the registration of a pharmacy, four hundred fifty dollars (\$450.00); for annual registration as a dispensing physician under G.S. 90-85.21(b), ~~fifty dollars (\$50.00)~~; one hundred dollars (\$100.00); for reinstatement of registration as a dispensing physician, two hundred fifty dollars (\$250.00); for annual registration as a dispensing physician assistant under G.S. 90-18.1, ~~fifty dollars (\$50.00)~~; one hundred dollars (\$100.00); for reinstatement of registration as a dispensing physician assistant, two hundred fifty dollars (\$250.00); for annual registration as a dispensing nurse practitioner under G.S. 90-18.2, ~~fifty dollars (\$50.00)~~; one hundred dollars (\$100.00); for

1 reinstatement of registration as a dispensing nurse practitioner, two hundred fifty dollars
2 (\$250.00); for registration of any change in pharmacist personnel as required under
3 G.S. 90-85.21(a), ~~twenty five dollars (\$25.00);seventy-five dollars (\$75.00);~~ for a
4 duplicate of any license, permit, or registration issued by the Board, twenty-five dollars
5 (\$25.00); for original registration to dispense devices, deliver medical equipment, or
6 both, ~~three hundred dollars (\$300.00) per year.~~five hundred dollars (\$500.00); for
7 renewal of registration to dispense devices, deliver medical equipment, or both, three
8 hundred dollars (\$300.00); for reinstatement of a registration to dispense devices,
9 deliver medical equipment, or both, four hundred fifty dollars (\$450.00). All fees shall
10 be paid before any applicant may be admitted to examination or the applicant's name
11 may be placed upon the register of pharmacists or before any license or permit, or any
12 renewal or reinstatement thereof, may be issued by the Board."

13 **SECTION 2.** G.S. 90-85.21A reads as rewritten:

14 **"§ 90-85.21A. Applicability to out-of-state operations.**

15 (a) Any pharmacy operating outside the State which ships, mails, or delivers in
16 any manner a dispensed legend drug into this State shall annually register with the
17 Board on a form provided by the Board. In order to satisfy the registration requirements
18 of this subsection, a pharmacy shall certify that the pharmacy employs a pharmacist
19 who is responsible for dispensing, shipping, mailing, or delivering dispensed legend
20 drugs into this State or in a state approved by the Board and has met requirements for
21 licensure equivalent to the requirements for licensure in this State. In order for the
22 pharmacy's certification of the pharmacists to be valid, a pharmacist shall agree in
23 writing, on a form approved by the Board, to be subject to the jurisdiction of the Board,
24 the provisions of this Article, and the rules adopted by the Board. If the Board revokes
25 this certification, the pharmacy shall no longer have authority to dispense, ship, mail, or
26 deliver in any manner a dispensed legend drug into this State.

27 (b) Any pharmacy subject to this section shall at all times maintain a valid
28 unexpired license, permit, or registration necessary to conduct such pharmacy in
29 compliance with the laws of the state in which such pharmacy is located. No pharmacy
30 operating outside the State may ship, mail, or deliver in any manner a dispensed legend
31 drug into this State unless such drug is lawfully dispensed by a licensed pharmacist in
32 the state where the pharmacy is located.

33 (c) The Board shall be entitled to charge and collect not more than ~~two hundred~~
34 ~~forty dollars (\$250.00)~~five hundred dollars (\$500.00) for original registration of a
35 pharmacy under this section, and for renewal thereof, not more than ~~one hundred~~
36 ~~twenty five dollars (\$125.00)~~three hundred dollars (\$300.00), and for reinstatement
37 thereof, not more than four hundred fifty dollars (\$450.00).

38 (d) The Board may deny a nonresident pharmacy registration upon a
39 determination that the pharmacy has a record of being formally disciplined in its home
40 state for violations that relate to the compounding or dispensing of legend drugs and
41 presents a threat to the public health and safety.

42 (e) Except as otherwise provided in this subsection, the Board may adopt rules to
43 protect the public health and safety that are necessary to implement this section.
44 Notwithstanding G.S. 90-85.6, the Board shall not adopt rules pertaining to the

1 shipment, mailing, or other manner of delivery of dispensed legend drugs by pharmacies
2 required to register under this section that are more restrictive than federal statutes or
3 regulations governing the delivery of prescription medications by mail or common
4 carrier. A pharmacy required to register under this section shall comply with rules
5 adopted pursuant to this section.

6 (f) The Board may deny, revoke, or suspend a nonresident pharmacy registration
7 for failure to comply with any requirement of this section."

8 **SECTION 3.** G.S. 90-85.17 reads as rewritten:

9 "**§ 90-85.17. License renewal.**

10 In accordance with Board regulations, each license to practice pharmacy shall expire
11 on December 31 and shall be renewed annually by filing with the Board on or after
12 December 1 an application for license renewal furnished by the Board, accompanied by
13 the required fee. It shall be unlawful to practice pharmacy more than 60 days after the
14 expiration date without renewing the license. All licensees shall give the Board notice of
15 a change of mailing address or a change of place of employment within 30 days after
16 the change. The Board may require licensees to obtain up to ~~40-30~~ hours of continuing
17 education every two years from Board-approved providers as a condition of license
18 ~~renewal.~~ renewal, with a minimum of 10 hours required per year."

19 **SECTION 4.** This act is effective when it becomes law.