

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-402
HOUSE BILL 1349**

AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO RAISE 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 AND AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO INCREASE CERTAIN FEES.

The General Assembly of North Carolina enacts:

SECTION 1.1. It is the goal of the General Assembly that the Board of Pharmacy will use the funds generated by this act to enable it to conduct investigations and inspections under this Article. The Board of Pharmacy shall annually expend at least one hundred thousand dollars (\$100,000) of the funds generated by this act for a Pharmacy Recovery Network.

SECTION 1.2. G.S. 90-85.12(a) reads as rewritten:

"(a) Upon receiving information concerning a violation of this ~~Article~~, Article that is a threat to the public safety, health, or welfare, the Executive Director shall promptly conduct an ~~investigation~~ investigation, and if he finds evidence of the violation, he may file a complaint and prosecute the offender in a Board hearing. If the Executive Director receives information concerning a violation of this Article that does not pose a threat to the public safety, health, or welfare, the Executive Director may conduct an investigation, and if he finds evidence of the violation, he may file a complaint and prosecute the offender in a Board hearing."

SECTION 2. Effective October 1, 2005, G.S. 90-85.24 reads as rewritten:

"§ 90-85.24. Fees collectible by Board.

(a) The Board of Pharmacy shall be entitled to charge and collect not more than the following fees:

- (1) ~~For~~ 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;
- (2) ~~For~~ For renewing the license as a pharmacist, ~~one hundred ten dollars (\$110.00);~~ one hundred thirty-five dollars (\$135.00);
- (3) ~~For~~ For reinstatement of a license as a pharmacist, one hundred thirty-five dollars (\$135.00);
- (4) ~~For~~ For annual registration of a pharmacy technician, ~~twenty-five dollars (\$25.00);~~ thirty dollars (\$30.00);
- (5) ~~For~~ For reinstatement of a registration of a pharmacy technician, thirty dollars (\$30.00);
- (6) ~~For~~ For licenses without examination as provided in G.S. 90-85.20, original, ~~four hundred dollars (\$400.00);~~ six hundred dollars (\$600.00);
- (7) ~~For~~ 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);~~ two hundred dollars (\$200.00);
- (8) ~~For~~ For reinstatement of the registration of a pharmacy, two hundred dollars (\$200.00);

- (9) ~~for~~ For annual registration as a dispensing physician under G.S. 90-85.21(b), ~~fifty dollars (\$50.00);~~ seventy-five dollars (\$75.00);
- (10) For reinstatement of registration as a dispensing physician, seventy-five dollars (\$75.00);
- (11) ~~for~~ For annual registration as a dispensing physician assistant under G.S. 90-18.1, ~~fifty dollars (\$50.00);~~ seventy-five dollars (\$75.00);
- (12) For reinstatement of registration as a dispensing physician assistant, seventy-five dollars (\$75.00);
- (13) ~~for~~ For annual registration as a dispensing nurse practitioner under G.S. 90-18.2, ~~fifty dollars (\$50.00);~~ seventy-five dollars (\$75.00);
- (14) For reinstatement of registration as a dispensing nurse practitioner, seventy-five dollars (\$75.00);
- (15) ~~for~~ For registration of any change in pharmacist personnel as required under G.S. 90-85.21(a), ~~twenty five dollars (\$25.00);~~ thirty-five dollars (\$35.00);
- (16) ~~for~~ For a duplicate of any license, permit, or registration issued by the Board, twenty-five dollars (\$25.00);
- (17) ~~for~~ For original registration to dispense devices, deliver medical equipment, or both, ~~three hundred dollars (\$300.00) per year;~~ five hundred dollars (\$500.00);
- (18) For renewal of registration to dispense devices, deliver medical equipment, or both, two hundred dollars (\$200.00);
- (19) For reinstatement of a registration to dispense devices, deliver medical equipment, or both, two hundred dollars (\$200.00).

(b) All fees under this section shall be paid before any applicant may be admitted to examination or the applicant's name may be placed upon the register of pharmacists or before any license or permit, or any renewal or reinstatement thereof, may be issued by the Board."

SECTION 3. Effective October 1, 2005, G.S. 90-85.21A(c) reads as rewritten:

"(c) The Board shall be entitled to charge and collect not more than ~~two hundred fifty dollars (\$250.00)~~ five hundred dollars (\$500.00) for original registration of a pharmacy under this section, and for renewal thereof, not more than ~~one hundred twenty five dollars (\$125.00)~~ two hundred dollars (\$200.00), and for reinstatement thereof, not more than two hundred dollars (\$200.00)."

SECTION 4. Effective January 1, 2008, G.S. 90-85.17 reads as rewritten:
"§ 90-85.17. License renewal.

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

SECTION 5. G.S. 90-15 reads as rewritten:

"§ 90-15. License fee; salaries, fees, and expenses of Board.

Each applicant for a license ~~by examination~~ to practice medicine and surgery in this State under either G.S. 90-9, 90-10, or 90-13 shall pay to the North Carolina Medical Board a fee which shall be prescribed by the Board in an amount not exceeding the sum of ~~four hundred dollars (\$400.00)~~ plus the cost of test materials before being admitted to the examination. Whenever a license is granted without examination, as authorized in G.S. 90-13, the applicant shall pay to the Board a fee in an amount to be prescribed by the Board not in excess of two hundred fifty dollars (\$250.00)-an application fee of

three hundred fifty dollars (\$350.00). Whenever a limited license is granted as provided in G.S. 90-12, the applicant shall pay to the Board a fee not to exceed one hundred fifty dollars (\$150.00), except where a limited license to practice in a medical education and training program approved by the Board for the purpose of education or training is granted, the applicant shall pay a fee of ~~twenty-five dollars (\$25.00)~~, one hundred dollars (\$100.00), and where a limited license to practice medicine and surgery only at clinics that specialize in the treatment of indigent patients is granted, the applicant shall not pay a fee. A fee of twenty-five dollars (\$25.00) shall be paid for the issuance of a duplicate license. All fees shall be paid in advance to the North Carolina Medical Board, to be held in a fund for the use of the Board. The compensation and expenses of the members and officers of the Board and all expenses proper and necessary in the opinion of the Board to the discharge of its duties under and to enforce the laws regulating the practice of medicine or surgery shall be paid out of the fund, upon the warrant of the Board. The per diem compensation of Board members shall not exceed two hundred dollars (\$200.00) per day per member for time spent in the performance and discharge of duties as a member. Any unexpended sum or sums of money remaining in the treasury of the Board at the expiration of the terms of office of the members of the Board shall be paid over to their successors in office.

For the initial and annual registration of an assistant to a physician, the Board may require the payment of a fee not to exceed a reasonable amount."

SECTION 6. G.S. 90-15.1 reads as rewritten:

"§ 90-15.1. Registration every year with Board.

Every person licensed to practice medicine by the North Carolina Medical Board shall register annually with the Board within 30 days of the person's birthday. A person who registers with the Board shall report to the Board the person's name and office and residence address and any other information required by the Board, and shall pay a registration fee of ~~one hundred twenty-five dollars (\$125.00)~~, one hundred seventy-five dollars (\$175.00), except those who have a limited license to practice in a medical education and training program approved by the Board for the purpose of education or training shall pay a registration fee of one hundred twenty-five dollars (\$125.00) and those who have a limited volunteer license shall pay an annual registration fee of twenty-five dollars (\$25.00). A physician who is not actively engaged in the practice of medicine in North Carolina and who does not wish to register the license may direct the Board to place the license on inactive status. For purposes of annual registration, the Board shall use a simplified registration form which allows registrants to confirm information on file with the Board. A physician who fails to register as required by this section shall pay an additional fee of ~~twenty dollars (\$20.00)~~ fifty dollars (\$50.00) to the Board. The license of any physician who fails to register and who remains unregistered for a period of 30 days after certified notice of the failure is automatically inactive. Except as provided in G.S. 90-12(d), a person whose license is inactive shall not practice medicine in North Carolina nor be required to pay the annual registration fee. Upon payment of all accumulated fees and penalties, the license of the physician may be reinstated, subject to the Board requiring the physician to appear before the Board for an interview and to comply with other licensing requirements. The penalty may not exceed the maximum fee for a license under G.S. 90-13."

SECTION 7. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 24th day of August, 2005.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 7:24 p.m. this 19th day of September, 2005