

ACT 34

H.B. NO. 1940

A Bill for an Act Relating to Pharmacists.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 461-1, Hawaii Revised Statutes, is amended as follows:

1. By adding two new definitions to be appropriately inserted and to read as follows:

““Encumbered license” means a license issued by any state or territory of the United States for the practice of pharmacy which is revoked, suspended, or made probationary or conditional by the licensing or registering authority in the respective jurisdiction as a result of disciplinary action.

“Practitioner” means an individual licensed by the State to prescribe prescription drugs within the scope of the person’s practice.”

2. By amending the definition of “prescription” to read as follows:

““Prescription” means an order or formula issued by a [licensed] practitioner [of medicine, osteopathy, podiatry, dentistry, or veterinary medicine,] licensed by the State to prescribe prescription drugs within the scope of the practitioner’s practice, for the compounding or dispensing of drugs[.] or an order or formula issued by an out-of-state practitioner in compliance with chapter 328.”

SECTION 2. Section 461-5, Hawaii Revised Statutes, is amended to read as follows:

“§461-5 Qualifications for license. (a) Any applicant for a license as a pharmacist shall submit an application on a form prescribed by the board and shall provide evidence to the board that the applicant:

(1) Is at least eighteen years of age;

- (2) Holds a degree from a school or college of pharmacy or department in a university[,] which [school or college or department] is recognized and accredited by the American Council of Pharmaceutical Education;
- (3) Has a minimum of fifteen hundred hours practical experience in any state of the United States in a pharmacy under the supervision of a registered pharmacist. Service and experience in a pharmacy under the supervision of a registered pharmacist as required in this section shall be predominantly related to the selling of drugs, compounding prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under state and federal statutes. In the event an applicant has no practical experience as required, the applicant may take the examination and upon passing the examination, shall not receive a license until after the fulfillment of the practical experience requirement; [and]
- (4) Has passed an examination as may be prescribed by the board[.]; and
- (5) Does not have an encumbered license or a pending disciplinary action or unresolved complaint in the practice of pharmacy in any state or territory of the United States, or if any license has been or is encumbered, the applicant shall provide all information requested by the board.

(b) Any applicant who is otherwise qualified to apply for a license to practice pharmacy in this State, but who is a graduate of a school or college of pharmacy located outside the United States[, whose school or college of pharmacy] which has not been recognized by the board as an accredited school [but who is otherwise qualified to apply for a license to practice pharmacy in this State], may be deemed to have satisfied the requirement of subsection (a)(2) by providing verification to the board of the applicant's academic record and [the applicant's] graduation and by meeting other requirements as the board may establish from time to time. The board shall require the applicant to successfully pass an examination or examinations given or approved by the board to establish proficiency in English if the school is located outside the United States in a country where the official language is not English, and equivalency of education of [such] the applicant with qualified graduates of a school or college recognized by the board as a prerequisite to taking the licensure examination [provided for in] required by section 461-6."

SECTION 3. Section 461-6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Every [application for examination shall be made] applicant for a license as a pharmacist, except an applicant applying under section 461-8.5, shall apply on a form to be supplied by the board and shall [be filed] either file the form with the board at least sixty days before the examination[.], or if taking the exam in another state pursuant to the National Association of Boards of Pharmacy Score Transfer Program, shall file the form no later than ninety days after the examination. Each application shall be accompanied by application and examination fees. Examinations shall be held at least twice a year."

SECTION 4. Section 461-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) A registered pharmacist of any state or territory of the United States who does not have an encumbered license or any pending disciplinary action or unresolved complaints in any state or territory of the United States and who is not eligible for licensure by reciprocity under section [461-8.5] 461-8.5(5) may be

granted a temporary license by the board; provided that the person shall first pass the state jurisprudence examination with a score of not less than seventy-five.”

SECTION 5. Section 461-8.5, Hawaii Revised Statutes, is amended to read as follows:

“**§461-8.5 Reciprocity.** [(a)] Any pharmacist who is registered or licensed under the laws of any state or territory of the United States with qualifications for licensure which equal or exceed those of this State, shall be eligible for licensure; provided that:

- (1) The pharmacist possesses a current valid license;
 - (2) The pharmacist has practiced as a registered pharmacist for fifteen hundred hours or more within the five years preceding the date of application;
 - (3) [No] There is no disciplinary action pending or other unresolved complaints [is pending] against the pharmacist in any state or territory[; and] of the United States;
 - (4) The pharmacist does not have an encumbered license or a pending disciplinary action or unresolved complaint in the practice of pharmacy in any state or territory of the United States, or if any license has been or is encumbered, the pharmacist shall provide any information requested by the board; and
- [(4)] (5) The laws of the other state or territory grant reciprocal treatment to licensees of this State.

The board may examine [such] these licensees only as to knowledge of this State’s statutes and rules.

[(b)] If a registered pharmacist has not engaged in the practice of pharmacy in any state or territory of the United States for more than five years, the board may require the pharmacist to satisfy additional requirements, as specified in rules adopted pursuant to chapter 91, to demonstrate that the pharmacist is competent to practice in this State.]”

SECTION 6. Section 461-19, Hawaii Revised Statutes, is amended to read as follows:

“**§461-19 Application of law.** This chapter shall not apply to any practitioner legally licensed [practitioner of medicine, osteopathy, dentistry, or veterinary medicine] by the State to prescribe prescription drugs within the scope of the practitioner’s practice when the practitioner is handling drugs in the course of the practitioner’s professional duties or prohibit the practitioner [or a podiatrist] from personally supplying the practitioner’s [or podiatrist’s] own patients with such [remedies as the practitioner or podiatrist may desire within the course of the practitioner’s or podiatrist’s professional practice only.] prescription drugs if the prescription drugs fall within the practitioner’s scope of authorized practice.”

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved April 24, 1995.)