

ACT 165

H.B. NO. 2140

A Bill for an Act Relating to Mandatory Continuing Education for Pharmacists.

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

SECTION 1. The legislature finds that the profession of pharmacy is in constant change and is challenged with the continuous development of new drugs and new drug therapies, and changes in evidence-based uses of drugs. The rise in consumer use of prescription drugs and over-the-counter drugs, as well as nutraceuticals, herbs, and alternative drugs, also contributes to the increase in drug misuse and abuse, noncompliance, and medication errors—all of which factor into the high cost of drugs. Consumers depend on pharmacists to be fully informed about the proper use of drugs, side effects, potential contraindications, drug interactions, alternative therapies, and new drug products. Hawaii is the only state that does not require continuing education for pharmacists.

The purpose of this Act is to require pharmacists licensed in the State of Hawaii to complete a minimum of thirty hours of formal continuing education during each licensing biennium.

SECTION 2. Section 461-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

““Continuing education courses” means courses approved by the American College of Pharmaceutical Education or continuing medical education courses that serve to improve patient safety and to maintain quality national standards in the prevention of medical errors.

“Credit hour”, except as otherwise provided, means the value assigned to sixty minutes of instruction.”

SECTION 3. Section 461-8, Hawaii Revised Statutes, is amended to read as follows:

“§461-8 Renewal of licenses[:]; continuing education requirement. (a) All licenses issued by the board, except temporary licenses issued under section 461-7, shall be renewed biennially on or before December 31 of each odd-numbered year. Failure to pay the biennial fee and, beginning with the renewal for the licensing biennium commencing on January 1, 2008, to satisfy the continuing education requirement on or before December 31 of each odd-numbered year, shall constitute a forfeiture of the license as of the date of expiration.

(b) Any license forfeited pursuant to subsection (a) may be restored within three years upon payment of any penalty fee, the current biennial fees, and the renewal fee for the next biennium, if applicable, upon submission of proof of compliance with the continuing education requirement for the prior biennium.

and upon meeting any other requirements specified in rules adopted pursuant to chapter 91.

(c) In the event that the pharmacist has not engaged in the practice of pharmacy in this State or in another state or territory of the United States within the past 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.

(d) Beginning with the renewal for the licensing biennium commencing on January 1, 2008, and every biennial renewal thereafter, each licensee shall have completed thirty credit hours in continuing education courses within the two-year period preceding the renewal date, regardless of the licensee's initial date of licensure; provided that a licensee who has graduated from an accredited pharmacy school within one year of the licensee's first license renewal period shall not be subject to the continuing education requirement for the first license renewal. The board may extend the deadline for compliance with the continuing education requirement based on any of the following:

- (1) Illness, as certified by a physician licensed under chapter 453 or 460, or licensed in the jurisdiction in which the licensee was treated;
- (2) Military service under extended active duty with the armed forces of the United States;
- (3) Lack of access to continuing education courses due to the practice of pharmacy in geographically isolated areas; and
- (4) Inability to undertake continuing education due to incapacity, undue hardship, or other extenuating circumstances.

(e) Each licensee shall maintain the licensee's continuing education records. At the time of renewal, each licensee shall certify under oath that the licensee has complied with the continuing education requirement of this section. The board may require a licensee to submit, in addition to the certification, evidence satisfactory to the Board that demonstrates compliance with the continuing education requirement of this section.

(f) The board may conduct random audits to determine compliance with the continuing education requirement. The board shall provide written notice of an audit to a licensee randomly selected for audit. Within sixty days of notification, the licensee shall provide the board with documentation verifying compliance with the continuing education requirement."

SECTION 4. Section 461-21, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) In addition to any other actions authorized by law, the board shall have the power to deny, revoke, or suspend any license or permit applied for or issued by the board in accordance with this chapter, and to fine or otherwise discipline a licensee or permit holder for any cause authorized by law, including but not limited to the following:

- (1) Procuring a license through fraud, misrepresentation, or deceit;
- (2) Professional misconduct, gross carelessness, or manifest incapacity;
- (3) Permitting an unlicensed person to perform activities which require a license under this chapter;
- (4) Violation of any of the provisions of this chapter or the rules adopted pursuant thereto;
- (5) Violation of any state or federal drug, controlled substance, or poison law;
- (6) False, fraudulent, or deceptive advertising;
- (7) Any other conduct constituting fraudulent or dishonest dealings;
- (8) Failure to comply with a board order;

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- (9) Making a false statement on any document submitted or required to be filed by this ~~chapter[;], including a false certification of compliance with the continuing education requirement;~~ or
- (10) Habitual intemperance or addiction to the use of habit-forming drugs.”

SECTION 5. The board of pharmacy shall provide written notification of the contents of this Act to all persons licensed under chapter 461, Hawaii Revised Statutes, within ninety days of the effective date of this Act.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval and shall apply to license renewals for the licensing biennium beginning on January 1, 2008.

(Approved July 2, 2004.)