

By: Representatives Dedeaux, Bailey, Clarke,
Robinson (63rd)

To: Public Health and Human
Services; Appropriations

HOUSE BILL NO. 1093
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 73-21-85 AND 73-21-111, MISSISSIPPI
2 CODE OF 1972, TO REQUIRE THAT THE STATE BOARD OF PHARMACY CONDUCT
3 CRIMINAL BACKGROUND CHECKS ON ANY APPLICANT FOR PHARMACY LICENSURE
4 AND ANY APPLICANT FOR PHARMACY TECHNICIAN REGISTRATION; TO PROVIDE
5 THAT THOSE APPLICANTS SHALL BE FINGERPRINTED AND THE BOARD SHALL
6 SUBMIT THE FINGERPRINTS TO THE DEPARTMENT OF PUBLIC SAFETY FOR A
7 CHECK OF THE STATE CRIMINAL RECORDS AND FORWARDED TO THE FEDERAL
8 BUREAU OF INVESTIGATION FOR A CHECK OF THE NATIONAL CRIMINAL
9 RECORDS; TO AUTHORIZE THE BOARD TO COLLECT A FEE FROM THE
10 APPLICANT FOR THE FINGERPRINTING AND THE STATE AND NATIONAL
11 CRIMINAL HISTORY RECORDS CHECKS; AND FOR RELATED PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 **SECTION 1.** Section 73-21-85, Mississippi Code of 1972, is
14 amended as follows:

15 73-21-85. (1) To obtain a license to engage in the practice
16 of pharmacy by examination, or by score transfer, the applicant
17 shall:

18 (a) Have submitted a written application on the form
19 prescribed by the board;

20 (b) Be of good moral character;

21 (c) Have graduated from a school or college of pharmacy
22 accredited by the American Council of Pharmaceutical Education and
23 have been granted a pharmacy degree therefrom;

24 (d) Have successfully passed an examination approved by
25 the board;

26 (e) Have paid all fees specified by the board for
27 examination, not to exceed the cost to the board of administering
28 the examination;

29 (f) Have paid all fees specified by the board for
30 licensure; and

31 (g) Have submitted evidence of externship and/or
32 internship as specified by the board.

33 (2) To obtain a license to engage in the practice of
34 pharmacy, a foreign pharmacy graduate applicant shall obtain the
35 National Association of Boards of Pharmacy's Foreign Pharmacy
36 Graduate Examination Committee's certification, which shall
37 include, but not be limited to, successfully passing the Foreign
38 Pharmacy Graduate Equivalency Examination and attaining a total
39 score of at least five hundred fifty (550) on the Test of English
40 as a Foreign Language (TOEFL), and shall:

41 (a) Have submitted a written application on the form
42 prescribed by the board;

43 (b) Be of good moral character;

44 (c) Have graduated and been granted a pharmacy degree
45 from a college or school of pharmacy recognized and approved by
46 the National Association of Boards of Pharmacy's Foreign Pharmacy
47 Graduate Examination Committee;

48 (d) Have paid all fees specified by the board for
49 examination, not to exceed the cost to the board of administering
50 the examination;

51 (e) Have successfully passed an examination approved by
52 the board;

53 (f) Have completed the number of internship hours as
54 set forth by regulations of the board; and

55 (g) Have paid all fees specified by the board for
56 licensure.

57 (3) Each application or filing made under this section shall
58 include the social security number(s) of the applicant in
59 accordance with Section 93-11-64.

60 (4) To insure that all applicants are of good moral
61 character, the board shall conduct a criminal history records
62 check on all applicants for a license. In order to determine the
63 applicant's suitability for licensing, the applicant shall be

64 fingerprinted. The board shall submit the fingerprints to the
65 Department of Public Safety for a check of the state criminal
66 records and forwarded to the Federal Bureau of Investigation for a
67 check of the national criminal records. The Department of Public
68 Safety shall disseminate the results of the state check and the
69 national check to the board for a suitability determination. The
70 board shall be authorized to collect from the applicant the amount
71 of the fee that the Department of Public Safety charges the board
72 for the fingerprinting, whether manual or electronic, and the
73 state and national criminal history records checks.

74 **SECTION 2.** Section 73-21-111, Mississippi Code of 1972, is
75 amended as follows:

76 73-21-111. (1) The board shall make, adopt, amend and
77 repeal from time to time such rules and regulations for the
78 regulation of supportive personnel as may be deemed necessary by
79 the board.

80 (2) Every person who acts or serves as a pharmacy technician
81 in a pharmacy that is located in this state and permitted by the
82 board shall obtain a registration from the board. To obtain a
83 pharmacy technician registration the applicant must:

84 (a) Have submitted a written application on a form(s)
85 prescribed by the board; and

86 (b) Be of good moral character; and

87 (c) Have paid the initial registration fee not to
88 exceed One Hundred Dollars (\$100.00).

89 (3) Each pharmacy technician shall renew his or her
90 registration annually. To renew his or her registration, a
91 technician must:

92 (a) Submit an application on a form prescribed by the
93 board; and

94 (b) Pay a renewal fee not to exceed One Hundred Dollars
95 (\$100.00) for each annual registration period. The board may add
96 a surcharge of not more than Five Dollars (\$5.00) to the

97 registration renewal fee to assist in funding a program that
98 assists impaired pharmacists, pharmacy students and pharmacy
99 technicians.

100 (4) To insure that all applicants are of good moral
101 character, the board shall conduct a criminal history records
102 check on all applicants for a license. In order to determine the
103 applicant's suitability for licensing, the applicant shall be
104 fingerprinted. The board shall submit the fingerprints to the
105 Department of Public Safety for a check of the state criminal
106 records and forwarded to the Federal Bureau of Investigation for a
107 check of the national criminal records. The Department of Public
108 Safety shall disseminate the results of the state check and the
109 national check to the board for a suitability determination. The
110 board shall be authorized to collect from the applicant the amount
111 of the fee that the Department of Public Safety charges the board
112 for the fingerprinting, whether manual or electronic, and the
113 state and national criminal history records checks.

114 **SECTION 3.** This act shall take effect and be in force from
115 and after July 1, 2005.