ARKANSAS REGISTER

Transmittal Sheet

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Effective Date _____ Code Number _____

Name of Agency Arkansas State Board of Pharmacy - Arkansas Department of Health

Department Department of Health

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Statutory Authority for Promulgating Rules 17-92-205(a)

Rule Title: RULE 2 — PHARMACISTS

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Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

John Clay Kirtley, PharmD | john.kirtley@arkansas.gov | 7/22/2020

Contact Person | **E-mail Address** | **Date**

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

_____
Signature

501-682-0190 | john.kirtley@arkansas.gov

Phone Number | **E-mail Address**

Executive Director, Arkansas State Board of Pharmacy

Title

7/22/2020

Date

Revised 7/2015 to reflect new legislation passed in the 2015 Regular Session (Act 1258). This act changed the effective date from 30 days to 10 days after filing the rule.

RULE 2 — PHARMACISTS

02-00: GENERAL REQUIREMENTS FOR PHARMACISTS

02-00-0001 CHANGES IN EMPLOYMENT

Whenever any licensed pharmacist shall change his place of employment for any reason, it shall be the duty of the former and current employer and said licensed pharmacist to notify the Arkansas State Board of Pharmacy in writing of such change within five days after such change of employment. Notification must be made by letter, fax, email or through the Board website and must contain the new place of employment of the licensed pharmacist and their license number. (10/9/80, Amended 10/14/81, 11/13/2006, and 8/31/2011).

02-00-0002—REPLACEMENT OF PHARMACIST'S CERTIFICATE

Any licensed pharmacist whose certificate has been lost or destroyed may procure a duplicate from the Arkansas State Board of Pharmacy by filing an affidavit that said certificate has been lost or destroyed and by paying a fee as defined in rule 01-00-0007. (10/9/80 Amended 8/23/96 and 8/1/2020).

02-00-0003—PRACTICE AFTER INACTIVITY WHEN RECIPROCATING OR REINSTATING A LICENSE

(a) To be reinstated and immediately practice without supervision, the pharmacist's license shall not have lapsed more than two calendar years.
(b) To be reciprocated and immediately practice without supervision, the pharmacist shall have practiced the profession of pharmacy, as defined by law, at least forty (40) hours per year in the previous two calendar years or be granted a waiver by the Board.
(c) If the pharmacist must practice under supervision, the pharmacist must:
    (1) Prior to resuming the unsupervised practice of pharmacy, practice 40 hours under direct pharmacist supervision of an Arkansas licensed pharmacist for each year or part of year out of practice. This time under supervision shall not exceed 240 hours.
    (2) Cause the supervising pharmacist to document in writing to the Board, that the pharmacist has completed the designated number of hours of supervised practice.
    (3) Meet with a Board representative in a practice situation so that the Board representative can, by observation, questioning, and other methods, ensure that the pharmacist is able to competently practice pharmacy. (10/12/93, Revised 11/30/2010)

02-01: INTERNSHIP/CLERKSHIP

02-01-0001—INTERNSHIP REQUIRED

Hereafter no extern, intern, or student of a pharmacy school shall be granted authority from this Board to practice pharmacy in Arkansas and serve any internship period in Arkansas unless he is licensed with the Arkansas State Board of Pharmacy and undergoes a criminal background check pursuant to Rule 11 and conducted by the Arkansas State Police and the Federal Bureau of Investigation. Applications for an intern's license, and for criminal background checks, will be furnished by the Arkansas State Board of Pharmacy. The applicant will be responsible for the payment of applicable fees for state and federal criminal background check pursuant to written

instructions provided by the Board, and for applicable fees for an intern's license to the Board. (Amended 6/23/96, 11/15/2003, 03/01/2004, and 8/1/2020).

02-01-0002—BOARD OF PHARMACY REGULATES INTERNSHIP PROGRAM

The Board of Pharmacy is charged with regulating the internship program in Arkansas Code §17-92-307. The Arkansas State Board of Pharmacy recognizes that in order to properly fulfill its obligation to the profession of pharmacy and general welfare and protection of the public health that it must implement and supervise an internship program in the State of Arkansas.

From time to time, as is required to establish a viable internship program, the Board will establish, publish, and disseminate criteria establishing requirements and standards necessary for qualifications for licensure under Arkansas Code §17-92-305, and §17-92-307.

Hereafter, every applicant for licensure by examination in Arkansas must have 2,000 hours of acceptable internship training obtained after beginning the professional college curriculum. Required hours may be obtained in a training program as part of school curriculum under Arkansas Board of Pharmacy approved conditions. (Amended 5/31/14)

02-01-0003—DEFINITIONS

(a) "Licensed intern" means a person licensed by the Arkansas State Board of Pharmacy, as a licensed intern, and who is a student accepted by, and enrolled as a student in a College of Pharmacy approved by the Arkansas State Board of Pharmacy, or who is a graduate of a foreign college of pharmacy and has successfully completed a transcript verification program and who, due to circumstances beyond his/her control, has not been able to successfully complete a college of pharmacy equivalency exam program, equivalent to graduation from a Board of Pharmacy approved College of Pharmacy as set forth in rule 02-02-0001 (A); provided, however, the graduate may qualify as a licensed intern, under this exception to the required college of pharmacy equivalency exam program set forth in rule 02-02-0001 (A) only until the first offering of said equivalency.
    (1) "Extern" means an intern prior to graduation or a graduate who has taken and failed the Board exam.
    (2) "Graduate intern" means an intern who has graduated or completed requirements for examination as set forth in 02-02-0001 (a) and completed the practical experience or training required under Arkansas Board of Pharmacy approved conditions.

(b) "Graduation" means certification from a Board-approved College of Pharmacy that the student has fulfilled all requirements for graduation or has completed all foreign pharmacist requirements as set forth in rule 02-02-0001 (a).

(c) "Supervision" means a licensed pharmacist and/or certified preceptor supervises the practical experience of a licensed intern with both personal and physical supervision, and actually gives instruction to the intern obtaining the experience during the entire period of such experience.

(d) "Class A pharmacy" means a pharmacy which has a pharmacy permit with a pharmacist on duty at least forty (40) hours per week, and no unsatisfactory deficiency and no more than three non-compliant deficiencies noted on its last Board inspection. (Amended 10/00, 11/13/2006, 7/5/2007, 11/1/2007, 8/31/2011, and 8/1/2020)

02-01-0004—REQUIREMENTS FOR INTERNSHIP TRAINING

(a) Any extern or intern receiving internship training practice or experience in the State of Arkansas must be licensed as an intern with the Arkansas State Board of Pharmacy. No credit for internship training will be allowed prior to licensure as an intern. The intern license application can be obtained from the office of the Board of Pharmacy. The intern license fee is specified in rule 01-00-0007(a)10.

(b) An applicant for an intern license shall submit an application on a form provided by the Board and shall have the following qualifications:
Be enrolled as a student in a college of pharmacy accredited by ACPE and approved by the Board, or be a graduate of a foreign college of pharmacy who has obtained Foreign Pharmacy Graduate Examination Committee (FPGEC) Certification from NABP.

(c) All students enrolled in any college of pharmacy shall be licensed as interns by the Board prior to any participation in the practice of Pharmacy as defined in §17-92-101, §17-92-301, and §17-92-307 in Arkansas.

(d) The intern license remains valid as long as the intern maintains active student status in a Board-approved College of Pharmacy, and for six (6) months after graduation from a College of Pharmacy, or completion of foreign pharmacist requirements as set forth in rule 02-02-0001 (a). At this time, the intern license becomes void.

(e) An intern may not practice pharmacy as a graduate intern until they have met all criteria for graduate intern status.

(f) The licensed intern's certificate must be displayed in the drugstore or pharmacy in which the intern is being trained. Licensed interns shall not be left in sole charge of the prescription department at any time. Violation of this rule may result in a cancellation of any and all internship hours toward licensure that may be accrued by the pharmacy intern, and suspension, revocation or other penalties of the Pharmacist in Charge, the supervising pharmacist and/or the pharmacy permit.

(g) For graduates of a foreign college of pharmacy, the first 500 hours of pharmacy practice as a pharmacy intern, for each pharmacy setting where an intern practices pharmacy, the intern shall complete and file with the Board of Pharmacy office, prior to any practice, a "Training Plan" that is signed by the pharmacist in charge for that particular work situation. Prior to completion of the first 500 hours of practical experience, the pharmacy intern may only work under the direct supervision of a certified preceptor. Hours of practical experience include only those hours worked under the direct supervision of a preceptor and may not exceed 40 hours per week. The pharmacist in charge must approve and verify, by signing the affidavit of experience, that the intern has earned their hours of practical experience under the direct supervision of a certified preceptor. Training plans shall expire on May 31 of each year. At no time may a preceptor supervise more than one licensed intern. Interns must file affidavits of experience prior to the expiration date of their training plan to get credit for these hours with the Board of Pharmacy.

(h) An intern may practice pharmacy in any Class A pharmacy under the supervision of a licensed pharmacist provided:

1. The intern notifies the Board of Pharmacy in writing of his or her employment as a pharmacy intern within five days of starting to work in any pharmacy, and
2. The intern notifies the Board of any change in his or her employment for any reason within five days of the change.

3. Notification is made in writing by letter, fax, email or through the Board website and must contain the name of the intern, the name and address of the pharmacy, and the date of hire or date of change in employment. It is the intern's responsibility to verify that the notification has been received and processed by the Arkansas Board of Pharmacy.
4. At no time may a supervising pharmacist or preceptor supervise more than one intern outside of an assigned educational rotation sponsored by a college of pharmacy.

(i) Participation in a School or College of Pharmacy curriculum extern or clerkship program, approved by the Board of Pharmacy, will be credited week for week as training.

(j) The Arkansas State Board of Pharmacy will not approve applicants for the NAPLEX until the applicant has provided proof of graduation from a college of pharmacy approved by the Board or proof of completion of foreign pharmacist requirements as set forth in rule 02-01-0004(b)(3).

(k) A graduate intern may practice pharmacy in the State of Arkansas under the supervision of a pharmacist in a Class A pharmacy and will not count in the pharmacist or preceptor to intern ratio. A graduate intern must sit for the NAPLEX within 6 months of the date of graduation. If a graduate intern sits for the NAPLEX and does not make a passing grade, the graduate intern will be reduced to intern status and will once again count in the pharmacist to intern ratio.

(l) After presenting satisfactory proof of either
(1) graduation and receipt of the first professional undergraduate degree from an ACPE accredited college of pharmacy approved by the Arkansas State Board of Pharmacy; or
(2) Foreign Pharmacy Graduate Examination Committee (FPGEC) Certification from NABP and submitting an affidavit of 2,000 hours of practical experience or training under Arkansas Board of Pharmacy approved conditions, the intern may be designated as a candidate suitable for full licensure if other conditions have been met.

(m) If the pharmacy intern is suspected to have, or evidence exists that a pharmacy intern may have violated any law or rule regarding the practice of pharmacy, legend drugs or controlled substances, the preceptor shall notify the Board in writing, within ten days or immediately, if any danger to the public health or safety may exist. Any other pharmacist, whether or not practicing in the same pharmacy, who has such knowledge or suspicion, shall notify the Board in a like manner.

(n)
(1) The Board may revoke, suspend, or refuse to issue a license, or impose other appropriate penalties pursuant to Ark. Code Ann. § 17-92-315 against an intern for any of the acts or offenses set forth in Ark. Code Ann. § 17-92-311.
(2) The provisions of Board Rule 02-04-0001 et seq. regarding unprofessional or dishonorable conduct shall be applicable to interns, and all references therein to "pharmacist" shall be construed as "intern" for purposes of this subsection.
(3) The procedures set for in Ark. Code Ann. § 19-92-313 and Board rules applicable to disciplinary proceedings against pharmacists shall be applicable to any proceeding against an intern in this subsection.

(Revised 6/22/84, 4/07/89, 6/20/91, 4/10/92, 10/2004, 11/13/2006, 11/1/2007, 7/10/2009, 8/31/2011, and 8/1/2020)

02-01-0005—RULES APPLYING TO PRECEPTORS WHO TRAIN INTERNS

The Arkansas internship-training program requires that a pharmacist, who has been duly certified by the Arkansas State Board of Pharmacy, may serve as preceptor for an intern or extern. A

pharmacist must meet the following requirements to be certified as a preceptor by the State Board of Pharmacy:

(a) Be an Arkansas pharmacist, licensed for more than one year and actively engaged in the practice of Pharmacy for the year immediately preceding the application for certification as a preceptor.
(b) Be a pharmacist employed in a pharmacy which currently holds a Class A rating indicated by the Inspection Sheet for pharmacies as outlined by the State Board of Pharmacy.
(c) For the initial application as preceptor, the applicant must satisfactorily complete a test on requirements and responsibilities of a preceptor as developed and administered by the Board of Pharmacy or its representatives.
(d) Have a pharmacy library (latest edition), which meets or exceeds the requirements of the "Inspection Sheet" for pharmacies.
(e) At least one preceptor from the internship site shall be a member of an appropriate national pharmaceutical organization. Preceptors shall be a member of at least one professional state organization.
(f) Must not have been convicted of any violation of Arkansas Code §17-92-311, unless the Board officially grants exception.
(g) Must have attended at least one professional meeting during each licensure biennium.
(h) Must agree to give immediate personal and direct physical supervision to the intern. A preceptor cannot supervise more than one intern at any specified time.
(i) Preceptors must renew their certification every two years by application and payment of fees specified in rule 01-00-0007.

(Revised 11/13/2006, 11/1/2007, and 8/1/2020)

02-01-0006—PENALTY FOR VIOLATION

Violation of any of the rules and requirements set forth in this section may cause the preceptor to lose his or her certification, and may also cause the intern to lose internship training credit. (10/09/80, Revised 2/17/8 2/12/86, 2/10/87, 6/20/91, 8/23/96 and 11/1/2007).

02-01-0007—ACCREDITED PHARMACY DEGREE PROGRAM

An accredited pharmacy degree program shall be any program which meets at least the minimum standards established for a recognized Doctor of Pharmacy program by the American Council on Pharmaceutical Education.

At the October Board meeting each year, the Board of Pharmacy shall adopt a specific list (by name) of approved colleges. Until the list is revised, the existing list shall remain valid. (6/25/83, Revised 11/13/2006)

02-02: EXAMINATION

02-02-0001—REQUISITES FOR EXAMINATION

Before being approved to take the NAPLEX examination for licensure in Arkansas, each applicant must meet the following requirements:

(a) Satisfactory proof of graduation and receipt of the first professional undergraduate degree from a college of pharmacy approved by the Arkansas State Board of Pharmacy; or Foreign Pharmacy Graduate Examination Committee (FPGEC) Certification from NABP with 2,000

hours of practical experience or training under Arkansas Board of Pharmacy approved conditions.

(b) Applicants may request a blank application from the Board of Pharmacy, which must be completed and returned to the Board of Pharmacy office together with the fee as defined in rule 01-00-0007. The application must be received no later than the date designated by the Board for receipt of applications.

(c) Each application must be accompanied by a recent 3" X 2" picture and a physical description stating age, height, weight, color of hair, eyes, and complexion of the applicant.

(d) Each applicant must undergo a state and federal criminal background check pursuant to Rule 11, to be conducted by the Arkansas State Police and the Federal Bureau of Investigation. The Board will furnish the forms and instructions to applicants for the criminal background check. The applicant is responsible for the payment of fees for criminal background checks pursuant to written instructions provided by the Board.

(e)

(1) The examination will be held at a site and at a time or during a time period designated by NABP or their contracted testing vendor.

(2) Upon the receipt by the Board of Pharmacy of (1) certification of the requirements as defined in section (a) of this rule, and (2) an application for licensure by examination; such applicant may practice pharmacy as a graduate intern, pursuant to rule § 02-01-0002, in the State of Arkansas temporarily until the occurrence of the first of the following events:

(A) failure to take the exam at the designated time for the individual applicant; provided, however, the Board may grant a similar temporary privilege to practice pharmacy as a graduate intern subject to the same terms and conditions herein in the event the applicant is reasonably unable, due to circumstances beyond the applicant's control, to take the examination at the first designated time for the individual applicant;

(B) failure to receive a passing grade on the examination at the first designated time for the individual applicant;

(C)

i. the expiration of 6 calendar months following the applicant's graduation date from a college of pharmacy approved by the Arkansas State Board of Pharmacy; or

ii. reaching the intern license expiration date on December 31 of the second calendar year following issuance for foreign pharmacy graduates. Foreign pharmacy graduates may request an extension for the expiration of their intern permit while making progress towards the 2000 practice hours required for examination. Foreign pharmacy graduates must attain 500 initial practice hours in order to practice as a graduate intern.

(3) The granting of status as a graduate intern shall in no way entitle the recipient thereof to any rights of tenure of permanent license and is conferred gratuitously at the discretion of the Board.

(e) The test or tests shall be graded and reported, and a reported score of 75 or above is considered passing.

(f) No person except members of the Board of Pharmacy or their authorized representatives will be permitted to enter the testing site during the course of examination.

(g) The applicant must make a score of 70% or more on the jurisprudence exam prior to making application for licensure as a pharmacist in the state of Arkansas. (10/09/80, Revised 1/14/81,

6/22/84, 6/13/85, 6/20/91, 2/11/97, 11/15/2003, 03/01/2004, 11/13/2006,11/1/2007, 8/31/2011, and 8/1/2020)

02-02-0002—SCORE TRANSFER

The Arkansas State Board of Pharmacy participates in the National Association of Boards of Pharmacy Score Transfer Program. The Score Transfer Program requires the applicant, or test candidate, to submit a NAPLEX Score Transfer Form before the administration date of NAPLEX and fulfill other state requirements for licensure in the state to which the scores are transferred for licensure by examination in that state.

If a candidate takes NAPLEX in another participating state, properly transfers the score to Arkansas, and completes other requirements for licensure including but not limited to criminal background checks pursuant to Rule 11, Arkansas will license the applicant by the examination process within twelve (12) months of receipt of the score transfer.

The Arkansas State Board of Pharmacy will provide information related to states participating, NAPLEX fees, and Arkansas fees. (6/20/91, Revised 11/15/2003, 11/30/2010, and 8/1/2020)

02-03: RECIPROCITY

02-03-0001—REQUIREMENTS FOR RECIPROCITY

No temporary license shall be granted to a reciprocity applicant until the preliminary application has been received and approved by the National Association of Boards of Pharmacy and the applicant has submitted the application to the Arkansas State Board of Pharmacy office, paid the reciprocity fee, undergone a criminal background check pursuant to Rule 11, supplied a copy of the applicant's birth certificate, submitted proof of required continuing education, and supplied a current photograph of the applicant. The temporary license shall expire at the next meeting of the Board of Pharmacy after the issuance of the temporary license. However, the temporary license will automatically expire 180 days from the date of issue and the holder of the temporary license must cease practicing pharmacy in the State of Arkansas until reciprocity has been granted by the Arkansas State Board of Pharmacy.

Before issuing a temporary license, the Board Member must personally talk to the applicant and ascertain that he/she has passed the Arkansas Jurisprudence Exam.

A pharmacist is not eligible for an Arkansas license by reciprocity until he or she has been licensed six months in his/her state of original licensure by examination. Any practice in Arkansas within this six month period, must be as an intern and under the requirements set out in this criteria (unless consideration is made by the Board of Pharmacy and an exception is approved). The application for reciprocity will become null and void if it has not been completed within one year of the date of receipt in the Board of Pharmacy office. (10/09/80, Revised 4/07/89 and 4/10/92, 2/10/97, 11/15/2003, and 8/1/2020)

02-04: DEFINING UNPROFESSIONAL OR DISHONORABLE CONDUCT:

02-04-0001—Preamble

In defining "unprofessional conduct," the definitions of professional conduct and a pharmacist's duty should be determined. Professional conduct may be defined as complying with all the laws and rules that apply to a given professional activity.

A pharmacist's duty means the practicing pharmacist has a general duty to qualify himself by attaining and maintaining an acceptable level of professional competence and by using such skill and precaution in the preparation, compounding, dispensing, labeling and distribution of drugs and medical devices whether on prescription or not, so as to prevent injury or death to all who are exposed to his or her professional services; and if the pharmacist is an owner, operator, or director of a pharmacy, he has an additional duty to employ only qualified persons and such other duties as are incidental to the operation of a mercantile business establishment. (Amended 8/1/2020)

02-04-0002—Definition

Unprofessional or dishonorable conduct by a pharmacist shall mean, among other things, but not limited to:

(a) Violation of any provision of the pharmacy act.
(b) Violation of the Board of Pharmacy rules.
(c) Violation of the Food, Drug and Cosmetic act.
(d) Violation of the Uniform Controlled Substances Act.
(e) Failure of a pharmacist to conduct himself or herself professionally in conformity with all applicable federal, state, and municipal laws and rules in his or her relationship with the public, other health care professions, and fellow pharmacists.
(f) Failure to keep his or her pharmacy and/or area of professional practice clean, orderly, maintained and secured for the proper performance of his professional duties.
(g) Acquiring prescription stock from unlicensed sources or buying or selling legend drugs in violation of local, state, or federal law.
(h) Personal participation in the sale of alcoholic beverages while "on duty" as a pharmacist. (Exempts pharmacies selling alcoholic beverages before 6/85.)
(i) Failure to hold to the strictest confidences all knowledge concerning patrons, their prescriptions, and other confidence entrusted or acquired by him; divulging in the interest of the patron, only by proper release forms, or where required for proper compliance with legal authority.
(j) Participation in a plan or agreement, which compromises the quality or extent of professional services or facilities, at the expense of the public health and welfare.
(k) Participation in any plan, agreement, or arrangement which eliminates or detrimentally affects the traditional relationship of physician, patient, pharmacist, and the patient's freedom of choice of professional services.
(l) The distribution, promotion, or advertising of premiums, rebates, coupons, amounts off, etc., on prescription drugs unless the offer is given to all patients purchasing prescriptions in the same time period. Senior Citizen discounts shall not be considered a violation of this section.
(m) The solicitation of prescription business by providing prescribers with prescription blanks with the name of any licensed pharmacy or pharmacy printed thereon.
(n) Violation of rules and procedures governing payment to pharmacies for pharmaceutical services for eligible public assistance recipients and/or other third party payment programs.

(o) The provision of medication carts, printing and maintenance of the data base to produce the doctor's order sheet or medication administration record, consultation and related services by provider pharmacists to long-term care facilities free of charge or obviously below cost.
(p) Falsifying contracts or agreements for legend drug purchases or violation of such contracts.
(q) Providing invalid or insufficient checks in payment for licenses or renewals.
(r) Receiving more than three (3) non-compliant deficiencies on two consecutive Board of Pharmacy inspections. The inspection is based on the Board of Pharmacy inspection form, which is available on request.
(s) Dishonorable conduct shall include, without limitation, conduct involving fraud, or dishonesty, whether or not said conduct involves the practice of pharmacy. (10/09/80, Revised 4/07/89, 6/07/90, 4/10/92, 6/12/03, and 8/1/2020)

02-05: BOARD ACTIONS

02-05-0001—EMERGENCY SUSPENSION

The Arkansas Administrative Procedures Act § 25-15-211 (c) states:

> "If the agency finds that public health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action, which proceedings shall be promptly instituted and determined."

Where the Executive Director of the Board of Pharmacy believes that the above condition exists, he shall call an emergency meeting with proper notifications of involved parties and media. Proper notifications shall be consistent with the Arkansas Administrative Procedures Act. This emergency meeting may be via a conference telephone call to a quorum of Board members.

The Executive Director of the Board of Pharmacy shall introduce evidence why he/she thinks an emergency exists and that a violation of the Pharmacy licensing law or rule has occurred. The Board shall determine whether the license should be summarily suspended. A hearing shall be scheduled promptly for which notice shall be given pursuant to § 17-92-313. If immediate action is requested, this hearing shall be within 14 days from the final Board decision. (10/12/88 Amended 8/1/2020)

02-06: CONTINUING EDUCATION FOR PHARMACISTS

02-06-0001—ESTABLISHING AN ARKANSAS TRIPARTITE COMMITTEE ON CONTINUING PHARMACY EDUCATION

(a) The Arkansas Tripartite Committee on Continuing Pharmacy Education, hereinafter referred to as the Committee, is established to maintain professional competence through continuing education. The Committee shall consist of the Executive Director of the Arkansas State Board of Pharmacy, the Dean(s) of the colleges of pharmacy approved by the Arkansas State Board of Pharmacy that are located within the state of Arkansas, and the Executive Vice President of the Arkansas Pharmacists Association or the designated representatives of these individuals.
(b) The general areas of responsibility for the Committee shall be following:
    (1) Plan and coordinate continuing education opportunities.

(2) Promote research in continuing pharmacy education.
(3) Develop information and record systems, pertaining to the participation of pharmacists licensed in the state of Arkansas, in continuing education.
(4) Make recommendations to the Arkansas State Board of Pharmacy concerning Continuing Education Rules.

(c) The Committee will meet periodically to review and recommend changes in the criteria by which the continuing education will be approved and to accomplish the above responsibilities.

(d) The Executive Director of the Board of Pharmacy will carry out approval of continuing education according to the guidelines below.

(e) The Executive Director of the Board of Pharmacy will act as Chairman of the Committee. (Revised 7/5/2007 Amended 8/1/2020)

02-06-0002—ACCREDITATION GUIDELINES

(a) Guidelines
(1) The Continuing Education Unit (CEU) shall be the basis for accreditation of offerings within the state. One-tenth (0.1) CEU is defined as one (1) contact hour.
(2) The Board of Pharmacy will accredit intrastate and interstate continuing education offerings that have been reviewed by an appropriate national agency.
(3) Continuing education programs shall be accredited for the total length of the program.
(4) Credit shall not be allowed for:
(A) "Banquet" meetings with no educational program.
(B) Unstructured demonstrations.
(C) Unstructured question and answer sessions.
(5) Credit (hour for hour) shall be allowed for:
(A) Speakers.
(B) Panels.
(C) Structured discussions, workshops, and demonstrations.
(D) Structured questions and answers sessions.
(6) Keynote speakers and topics will be accredited on an individual basis.
(7) The Committee reserves the right for members or designees to review programs in operation.

(b) Accreditation Mechanism
(1) Members of the Committee shall be responsible for reviewing and recommending changes in the criteria for the accreditation of continuing education offerings.
(2) In the temporary absence of a designated Committee member, a designated representative may review and offer recommendations for establishing and reviewing the criteria for the accreditation of continuing education offerings.
(3) The Executive Director of the Board of Pharmacy shall review all programs within seven (7) days of receipt of request for accreditation.
(4) All requests for accreditation must be received, in writing, in the Board of Pharmacy office at least seven (7) days before the offering is to occur.

(c) Requirements for Accreditation
(1) The organization shall have completed the appropriate program requirements specified in section (d).
(2) The organization shall have the proper personnel to plan and produce educational programs.

(3) The organization and personnel presenting the offering shall be qualified in the area of the presentation.
(4) The organization shall provide the proper administrative facilities, provide the proper physical facilities, and have the financial resources for the production of educational programs.

(d) Program Criteria for Accreditation
(1) The program criteria shall be appropriate to meet the needs of the pharmacist.
(2) Beginning and ending times for each section of "live" programs must be indicated.
(3) A description of the program content shall accompany the request for accreditation and must be evaluated prior to its presentation.
(4) The program description, which is presented for accreditation, shall have a statement of objectives and goals.
(5) The program outline shall indicate how performance and effectiveness by the pharmacist will be measured.
(A) Live programs in themselves shall be acceptable for accreditation.
(B) Audiovisual and correspondence programs shall require a live moderator or testing procedure.
(6) The program shall allow the pharmacist a method to evaluate the presentation.
(7) The program shall demonstrate a quality educational process.
(A) Appropriate handout materials will be used with live presentations and correspondence courses.
(B) Appropriate audiovisual materials will be used with audiovisual presentations and correspondence courses when necessary.
(8) The program administrator shall present accreditation certificates to pharmacists, who satisfy requirements of the program. The application for approval shall specifically state how the accreditation certificates will be presented to participants.
(9) The Executive Director of the Board of Pharmacy must approve changes in the date, starting time, or duration, of the program being presented, if said changes are made after initial accreditation.
(10) Changes in speakers are acceptable if the quality of the program being presented is not diminished.
(11) The Executive Director of the Board of Pharmacy must receive any changes in topics to be presented at least seven (7) days before the program is to be presented.
(12) The organization presenting a continuing education program must provide reasonable notification to potential participants of any changes in date, time, or duration of the program; changes in speakers; or changes in topics to be presented.
(13) The program administrator shall require all participating pharmacists to sign in and out to show attendance during the entire CE session unit in order to be eligible for credit.
(14) The program administrator must keep a record of all attendees receiving credit for four (4) years for verification by the Board.

(e) Programs sponsored and conducted by local pharmacists' associations, will be accredited provided that the programs meet the criteria outlined in (c) and (d) of these guidelines in addition to the following procedures.
(1) The program shall be structured and shall be offered to all pharmacists who are members of the local association.
(2) Each program shall be a minimum of one hour in length.

(3) The local pharmacists' association shall provide a method of registration and verification of attendance as outlined in (d).

(f) Failure to follow the guidelines and requirements of Rule 02-06-0002 will disqualify the program administrator or other entity requesting CE accreditation from being eligible for approval of future program requests.

(Revised 11/30/2010 Amended 8/1/2020)

02-06-0003—IMPLEMENTATION OF PHARMACY CONTINUING EDUCATION

(a) The Board of Pharmacy adopts the accreditation guidelines set out by the Arkansas Tripartite Committee on Continuing Pharmacy Education for establishment of acceptable continuing education.

(b) Beginning with the 2002-2003 biennium—for licensure in the 2004-2005 biennium, and in all future two year periods through the 2008-2009 biennium, the requirements for continuing education will be as follows:
   (1) 30 hours of continuing education each biennium, as approved by the Arkansas Tripartite Committee on Continuing Pharmacy Education.
   (2) A minimum of twelve (12) continuing education hours of the thirty (30) required hours, must be live contact hours, as defined by the Committee. The live hours must be concerning drug therapy or patient care.

(c) Beginning with the 2010-2011 biennium – for licensure in the 2012-2013 biennium, and in all future two year periods, the requirements for continuing education will be as follows:
   (1) 30 hours of continuing education each biennium, as approved by the Arkansas Tripartite Committee on Continuing Pharmacy Education.
   (2) A minimum of twelve (12) continuing education hours of the thirty (30) required hours, must be live contact hours, as defined by the Committee.
   (3) A minimum of twelve (12) continuing education hours of the thirty (30) required hours, must be accredited by the Accreditation Council for Pharmacy Education.

(d) The Arkansas State Board of Pharmacy will accept continuing education credits, approved by State Boards of Pharmacy in other states, toward licensure as a pharmacist in Arkansas provided that there is a reciprocal arrangement and that the requirements of this section are met.

(e) Pharmacists are required to retain certificates of participation in continuing education for a period of four years and to certify completion of the required continuing education on a form furnished by the Board of Pharmacy with the license renewal forms. The pharmacist must present certificates of participation to any representative of the Board of Pharmacy if requested to do so.

(f) Pharmacists who wish to retain their license, but do not want to meet the continuing education requirements, may go on inactive pharmacist status for an indefinite period. To reestablish active status and return to practice in Arkansas, a pharmacist must acquire half of the continuing education hours missed plus the continuing education hours for the current licensure period up to 60 hours. If the pharmacist has been on inactive status with regard to continuing education for two (2) calendar years or more and has not been actively practicing pharmacy in another state, said pharmacist shall also comply with all requirements in rule 02-00-0003.

(g) Certifications awarded by the Board of Pharmaceutical Specialties during any biennium, will satisfy continuing education requirements for that biennium, subject to approval by the Arkansas Tripartite Committee on Continuing Pharmacy Education.

(h) Completion of post-graduate health professional course work may satisfy continuing education requirements subject to approval by the Arkansas Tripartite Committee on Continuing Pharmacy Education.

(4/07/89, Amended 04/30/93, 6/98, 8/2001, 7/10/2009, 11/30/2010, and 8/1/2020)

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT_____ Department of Health _____
DIVISION____ Division of Health Related Boards and Commissions/State Board of Pharmacy ___
PERSON COMPLETING THIS STATEMENT__ John Clay Kirtley _____
TELEPHONE NO._ 501-682-0190_**FAX NO.**_501-682-0195_**E-MAIL**_john.kirtley@arkansas.gov_

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE____ RULE 2 — PHARMACISTS _____

1. Does this proposed, amended, or repealed rule have a financial impact?
   Yes _____ No ___X_____

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
   Yes____X_____ No_____

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes__X_____ No_____

   If an agency is proposing a more costly rule, please state the following:

   (a) How the additional benefits of the more costly rule justify its additional cost;

   (b) The reason for adoption of the more costly rule;

   (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

   (d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

   (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year	**Next Fiscal Year**
General Revenue_____	General Revenue_____
Federal Funds_____	Federal Funds_____
Cash Funds_____	Cash Funds_____
Special Revenue_____	Special Revenue_____
Other (Identify)_____	Other (Identify)_____
Total_____	Total_____

(b) What is the additional cost of the state rule?

Current Fiscal Year		**Next Fiscal Year**	
General Revenue	0	General Revenue	0
Federal Funds	0	Federal Funds	0
Cash Funds	0	Cash Funds	0
Special Revenue	0	Special Revenue	0
Other (Identify)		Other (Identify)	
Total	0	Total	0

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year	**Next Fiscal Year**
$0	$0

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year	**Next Fiscal Year**
$0	$0

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars ($100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes_____ No____0_____

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously

with the financial impact statement and shall include, without limitation, the following:

(1) a statement of the rule's basis and purpose;

(2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;

(3) a description of the factual evidence that:
(a) justifies the agency's need for the proposed rule; and
(b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;

(4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

(5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

(6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and

(7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
(a) the rule is achieving the statutory objectives;
(b) the benefits of the rule continue to justify its costs; and
(c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.