

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

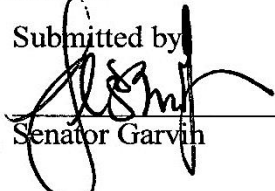
No. 1

COMMITTEE AMENDMENT

(Date)

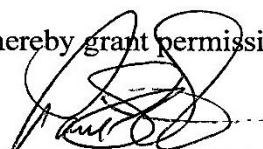
I move to amend House Bill No. 2649 by substituting the attached floor substitute (Request #3871) for the title, enacting clause and entire body of the measure.

Submitted by



Senator Garvin

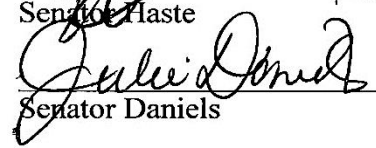
I hereby grant permission for the floor substitute to be adopted.



Senator Rosino, Chair (required)



Senator Flaste

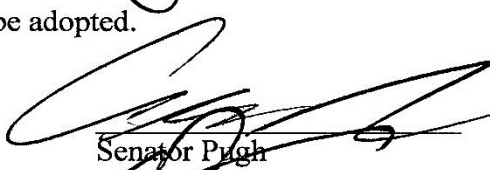


Senator Daniels

Senator Dossett (J.A.)

Senator Hicks


Senator Treat, President Pro Tempore



Senator Pugh



Senator Simpson




Senator Standridge

Senator Young

Senator McCortney, Majority Floor Leader

Note: Health and Human Services committee majority requires six (6) members' signatures.

I hereby grant permission for the floor substitute to be adopted.



Senator Thompson
Appropriations Committee Chair

Garvin-DC-FS-HB2649
4/27/2022 4:33 PM

(Floor Amendments Only)

Date and Time Filed: 4-27-22 5:56 pm Jdt

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2649

By: Echols of the House

and

6
7 Garvin and Dugger of the
8 Senate

9
10
11 FLOOR SUBSTITUTE

12 [Oklahoma Durable Medical Equipment Licensing Act -
13 certain inspections - licensing qualifications -
14 codification - effective date]

15
16
17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 375.1 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 Sections 2 through 5 of this act shall be known and may be cited
22 as the "Oklahoma Durable Medical Equipment Licensing Act".
23
24

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 375.2 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in the Oklahoma Durable Medical Equipment Licensing Act:

5 1. "Board" means the State Board of Pharmacy;

6 2. a. "Durable medical equipment" means equipment for which
7 a prescription is required including for repair and
8 replacement parts, and that:

9 (1) can stand repeated use,

10 (2) has an expected useful life of at least three (3)
11 years,

12 (3) is primarily and customarily used to serve a
13 medical purpose,

14 (4) is not generally useful to a person in the
15 absence of illness or injury,

16 (5) is appropriate for use in the home, and

17 (6) is intended for use by the consumer.

18 b. Durable medical equipment includes, but is not limited
19 to:

20 (1) ambulating assistance equipment,

21 (2) mobility equipment,

22 (3) rehabilitation seating,

23 (4) oxygen care and oxygen delivery systems,
24

- (5) respiratory equipment and respiratory disease management devices,
- (6) rehabilitation environmental control equipment,
- (7) ventilators,
- (8) apnea monitors,
- (9) diagnostic equipment,
- (10) feeding pumps,
- (11) beds prescribed by physicians to alleviate medical conditions,
- (12) transcutaneous electrical nerve stimulators, and
- (13) sequential compression devices; and

3. "Supplier" means any person or entity that provides durable medical equipment services or products and that currently bills or plans to bill a claim for reimbursement of services or products to a third party.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 375.3 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Any supplier of durable medical equipment to a consumer in this state shall possess a durable medical equipment supplier license issued by the State Board of Pharmacy pursuant to the Oklahoma Durable Medical Equipment Licensing Act.

B. Licenses issued by the Board pursuant to the Oklahoma Durable Medical Equipment Licensing Act shall be effective for

1 twelve (12) months from the date of issuance and shall not be
2 transferable or assignable.

3 C. The Board may initially and periodically inspect the
4 applicant's office or place of business.

5 D. The Board shall promulgate rules necessary to implement the
6 provisions of the Oklahoma Durable Medical Equipment Licensing Act.
7 Such rules shall prioritize patient safety and quality of durable
8 medical equipment. The Board may provide by rule that any person or
9 entity accredited by organizations recognized by the Centers for
10 Medicare and Medicaid Services is deemed to meet all or some of the
11 requirements of the Oklahoma Durable Medical Equipment Licensing
12 Act.

13 E. Nothing in this section shall be construed to restrict or
14 prohibit private transactions between two parties.

15 SECTION 4. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 375.4 of Title 59, unless there
17 is created a duplication in numbering, reads as follows:

18 A. The State Board of Pharmacy may issue a license to an
19 applicant for licensure as a supplier of durable medical equipment
20 if the applicant pays the appropriate license fee established under
21 Section 8 of this act and submits in a form prescribed by the Board
22 an application and proof that the applicant:

23 1. a. Maintains a physical office or place of business
24 within this state, or

1 b. For a Medicare or Medicaid enrolled out-of-state
2 supplier, maintains a physical office or place of
3 business is within one hundred (100) miles of a
4 resident of this state being served by the supplier;

5 2. Has obtained a state sales tax permit and any other
6 necessary license or permit as determined by the Board including but
7 not limited to any permit from the State Department of Health; and

8 3. Meets all state and federal accreditation requirements.

9 Each individual physical office or place of business owned or
10 operated by the supplier must be licensed separately.

11 B. 1. The Board may issue a license to a Medicare or Medicaid
12 enrolled out-of-state supplier who has at least one accredited
13 facility within one hundred (100) miles of any resident of this
14 state being served by the supplier.

15 2. The Board may assess a fee on out-of-state suppliers
16 necessary to cover the cost of inspection of those suppliers. The
17 inspection fee shall be in addition to the licensure fee.

18 C. A supplier licensed by the Board shall meet all safety
19 standards established by the Board, which shall include, but not be
20 limited to:

21 1. Ensuring that all personnel engaged in delivery, maintenance
22 and repair of durable medical equipment receive annual continuing
23 education;

- 1 2. Instructing the patient or patient's caregiver about how to
- 2 use the durable medical equipment provided;
- 3 3. Receiving and responding to complaints from patients;
- 4 4. Maintaining records of all patients receiving durable
- 5 medical equipment; and
- 6 5. Managing, maintaining, and servicing durable medical
- 7 equipment.

8 D. The Board may revoke or suspend a license for:

- 9 1. Violation of state or federal law;
- 10 2. Violation of rules promulgated pursuant to the Oklahoma
- 11 Durable Medical Equipment Licensing Act;
- 12 3. Permitting, aiding, or abetting any illegal act;
- 13 4. Failing to meet the safety standards established by the
- 14 Board pursuant to the Oklahoma Durable Medical Equipment Licensing
- 15 Act;
- 16 5. Engaging in conduct or practices found by the Board to be
- 17 detrimental to the health, safety, or welfare of patients; or
- 18 6. Failing to renew a license.

19 SECTION 5. NEW LAW A new section of law to be codified

20 in the Oklahoma Statutes as Section 375.5 of Title 59, unless there

21 is created a duplication in numbering, reads as follows:

22 The Oklahoma Durable Medical Equipment Licensing Act shall not

23 apply to:

- 24 1. Pharmacies and pharmacists;

- 1 2. Hospitals;
- 2 3. Ambulatory surgical centers;
- 3 4. Health care facilities owned or operated by the state or
- 4 federal government;
- 5 5. Skilled nursing facilities;
- 6 6. Assisted living facilities;
- 7 7. Prosthetic or orthotic practitioners;
- 8 8. Health care practitioners who are licensed to practice
- 9 health care in this state and who provide durable medical equipment
- 10 within the scope of their health care practice;
- 11 9. Manufacturers or wholesale distributors that do not sell or
- 12 rent durable medical equipment directly to consumers;
- 13 10. Suppliers of insulin infusion pumps and related supplies or
- 14 services; or
- 15 11. Suppliers of medical devices approved by the Food and Drug
- 16 Administration that are used in the treatment of cancerous tumors.

17 SECTION 6. AMENDATORY 59 O.S. 2021, Section 353.1, is
18 amended to read as follows:

19 Section 353.1. For the purposes of the Oklahoma Pharmacy Act:

- 20 1. "Accredited program" means those seminars, classes,
- 21 meetings, work projects, and other educational courses approved by
- 22 the Board for purposes of continuing professional education;
- 23 2. "Act" means the Oklahoma Pharmacy Act;
- 24

1 3. "Administer" means the direct application of a drug, whether
2 by injection, inhalation, ingestion or any other means, to the body
3 of a patient;

4 4. "Assistant pharmacist" means any person presently licensed
5 as an assistant pharmacist in the State of Oklahoma by the Board
6 pursuant to Section 353.10 of this title and for the purposes of the
7 Oklahoma Pharmacy Act shall be considered the same as a pharmacist,
8 except where otherwise specified;

9 5. "Board" or "State Board" means the State Board of Pharmacy;

10 6. "Certify" or "certification of a prescription" means the
11 review of a filled prescription by a licensed pharmacist or a
12 licensed practitioner with dispensing authority to confirm that the
13 medication, labeling and packaging of the filled prescription are
14 accurate and meet all requirements prescribed by state and federal
15 law. For the purposes of this paragraph, "licensed practitioner"
16 shall not include optometrists with dispensing authority;

17 7. "Chemical" means any medicinal substance, whether simple or
18 compound or obtained through the process of the science and art of
19 chemistry, whether of organic or inorganic origin;

20 8. "Compounding" means the combining, admixing, mixing,
21 diluting, pooling, reconstituting or otherwise altering of a drug or
22 bulk drug substance to create a drug. Compounding includes the
23 preparation of drugs or devices in anticipation of prescription drug
24 orders based on routine, regularly observed prescribing patterns;

1 9. "Continuing professional education" means professional,
2 pharmaceutical education in the general areas of the socioeconomic
3 and legal aspects of health care; the properties and actions of
4 drugs and dosage forms; and the etiology, characteristics and
5 therapeutics of the diseased state;

6 10. "Dangerous drug", "legend drug", "prescription drug" or "Rx
7 Only" means a drug:

- 8 a. for human use subject to 21 U.S.C. 353(b)(1), or
- 9 b. is labeled "Prescription Only", or labeled with the
10 following statement: "Caution: Federal law restricts
11 this drug except for use by or on the order of a
12 licensed veterinarian";

13 11. "Director" means the Executive Director of the State Board
14 of Pharmacy unless context clearly indicates otherwise;

15 12. "Dispense" or "dispensing" means the interpretation,
16 evaluation, and implementation of a prescription drug order,
17 including the preparation and delivery of a drug or device to a
18 patient or a patient's agent in a suitable container appropriately
19 labeled for subsequent administration to, or use by, a patient.
20 Dispense includes sell, distribute, leave with, give away, dispose
21 of, deliver or supply;

22 13. "Dispenser" means a retail pharmacy, hospital pharmacy, a
23 group of chain pharmacies under common ownership and control that do
24 not act as a wholesale distributor, or any other person authorized

1 by law to dispense or administer prescription drugs, and the
2 affiliated warehouses or distributions of such entities under common
3 ownership and control that do not act as a wholesale distributor.
4 For the purposes of this paragraph, "dispenser" does not mean a
5 person who dispenses only products to be used in animals in
6 accordance with 21 U.S.C. 360b(a) (5);

7 14. "Distribute" or "distribution" means the sale, purchase,
8 trade, delivery, handling, storage, or receipt of a product, and
9 does not include the dispensing of a product pursuant to a
10 prescription executed in accordance with 21 U.S.C. 353(b) (1) or the
11 dispensing of a product approved under 21 U.S.C. 360b(b); provided,
12 taking actual physical possession of a product or title shall not be
13 required;

14 15. "Doctor of Pharmacy" means a person licensed by the Board
15 to engage in the practice of pharmacy. The terms "pharmacist",
16 "D.Ph.", and "Doctor of Pharmacy" shall be interchangeable and shall
17 have the same meaning wherever they appear in the Oklahoma Statutes
18 and the rules promulgated by the Board;

19 16. "Drug outlet" means all manufacturers, repackagers,
20 outsourcing facilities, wholesale distributors, third-party
21 logistics providers, pharmacies, and all other facilities which are
22 engaged in dispensing, delivery, distribution or storage of
23 dangerous drugs;

24

1 17. "Drugs" means all medicinal substances and preparations
2 recognized by the United States Pharmacopoeia and National
3 Formulary, or any revision thereof, and all substances and
4 preparations intended for external and/or internal use in the cure,
5 diagnosis, mitigation, treatment or prevention of disease in humans
6 or animals and all substances and preparations, other than food,
7 intended to affect the structure or any function of the body of a
8 human or animals;

9 18. "Drug sample" means a unit of a prescription drug packaged
10 under the authority and responsibility of the manufacturer that is
11 not intended to be sold and is intended to promote the sale of the
12 drug;

13 19. "Durable medical equipment" has the same meaning as
14 provided by Section 2 of this act;

15 20. "Filled prescription" means a packaged prescription
16 medication to which a label has been affixed which contains such
17 information as is required by the Oklahoma Pharmacy Act;

18 ~~20.~~ 21. "Hospital" means any institution licensed as a hospital
19 by this state for the care and treatment of patients, or a pharmacy
20 operated by the Oklahoma Department of Veterans Affairs;

21 ~~21.~~ 22. "Licensed practitioner" means an allopathic physician,
22 osteopathic physician, podiatric physician, dentist, veterinarian or
23 optometrist licensed to practice and authorized to prescribe
24 dangerous drugs within the scope of practice of such practitioner;

1 ~~22.~~ 23. "Manufacturer" or "virtual manufacturer" means with
2 respect to a product:

3 a. a person that holds an application approved under 21
4 U.S.C. 355 or a license issued under 42 U.S.C. 262 for
5 such product, or if such product is not the subject of
6 an approved application or license, the person who
7 manufactured the product,

8 b. a co-licensed partner of the person described in
9 subparagraph a that obtains the product directly from
10 a person described in this subparagraph or
11 subparagraph a,

12 c. an affiliate of a person described in subparagraph a
13 or b who receives the product directly from a person
14 described in this subparagraph or in subparagraph a or
15 ~~b7.~~ or

16 d. a person who contracts with another to manufacture a
17 product;

18 ~~23.~~ 24. "Manufacturing" means the production, preparation,
19 propagation, compounding, conversion or processing of a device or a
20 drug, either directly or indirectly by extraction from substances of
21 natural origin or independently by means of chemical or biological
22 synthesis and includes any packaging or repackaging of the
23 substances or labeling or relabeling of its container, and the
24 promotion and marketing of such drugs or devices. The term

1 "manufacturing" also includes the preparation and promotion of
2 commercially available products from bulk compounds for resale by
3 licensed pharmacies, licensed practitioners or other persons;

4 ~~24.~~ 25. "Medical gas" means those gases including those in
5 liquid state upon which the manufacturer or distributor has placed
6 one of several cautions, such as "Rx Only", in compliance with
7 federal law;

8 ~~25.~~ 26. "Medical gas order" means an order for medical gas
9 issued by a licensed prescriber;

10 ~~26.~~ 27. "Medical gas distributor" means a person licensed to
11 distribute, transfer, wholesale, deliver or sell medical gases on
12 drug orders to suppliers or other entities licensed to use,
13 administer or distribute medical gas and may also include a patient
14 or ultimate user;

15 ~~27.~~ 28. "Medical gas supplier" means a person who dispenses
16 medical gases on drug orders only to a patient or ultimate user;

17 ~~28.~~ 29. "Medicine" means any drug or combination of drugs which
18 has the property of curing, preventing, treating, diagnosing or
19 mitigating diseases, or which is used for that purpose;

20 ~~29.~~ 30. "Nonprescription drugs" means medicines or drugs which
21 are sold without a prescription and which are prepackaged for use by
22 the consumer and labeled in accordance with the requirements of the
23 statutes and regulations of this state and the federal government.
24 Such items shall also include medical and dental supplies and

1 bottled or nonbulk chemicals which are sold or offered for sale to
2 the general public if such articles or preparations meet the
3 requirements of the Federal Food, Drug and Cosmetic Act, 21
4 U.S.C.A., Section 321 et seq.;

5 ~~30.~~ 31. "Outsourcing facility"⁷ including "virtual outsourcing
6 facility" means a facility at one geographic location or address
7 that:

- 8 a. is engaged in the compounding of sterile drugs,
- 9 b. has elected to register as an outsourcing facility,
- 10 and
- 11 c. complies with all requirements of 21 U.S.C. 353b;

12 ~~31.~~ 32. "Package" means the smallest individual saleable unit
13 of product for distribution by a manufacturer or repackager that is
14 intended by the manufacturer for ultimate sale to the dispenser of
15 such product. For the purposes of this paragraph, "individual
16 saleable unit" means the smallest container of a product introduced
17 into commerce by the manufacturer or repackager that is intended by
18 the manufacturer or repackager for individual sale to a dispenser;

19 ~~32.~~ 33. "Person" means an individual, partnership, limited
20 liability company, corporation or association, unless the context
21 otherwise requires;

22 ~~33.~~ 34. "Pharmacist-in-charge" or "PIC" means the pharmacist
23 licensed in this state responsible for the management control of a
24

1 pharmacy and all other aspects of the practice of pharmacy in a
2 licensed pharmacy as defined by Section 353.18 of this title;

3 ~~34.~~ 35. "Pharmacy" means a place regularly licensed by the
4 Board of Pharmacy in which prescriptions, drugs, medicines,
5 chemicals and poisons are compounded or dispensed or such place
6 where pharmacists practice the profession of pharmacy, or a pharmacy
7 operated by the Oklahoma Department of Veterans Affairs;

8 ~~35.~~ 36. "Pharmacy technician", "technician", "Rx tech", or
9 "tech" means a person issued a Technician permit by the State Board
10 of Pharmacy to assist the pharmacist and perform nonjudgmental,
11 technical, manipulative, non-discretionary functions in the
12 prescription department under the immediate and direct supervision
13 of a pharmacist;

14 ~~36.~~ 37. "Poison" means any substance which when introduced into
15 the body, either directly or by absorption, produces violent, morbid
16 or fatal changes, or which destroys living tissue with which such
17 substance comes into contact;

18 ~~37.~~ 38. "Practice of pharmacy" means:

- 19 a. the interpretation and evaluation of prescription
20 orders,
21 b. the compounding, dispensing, administering and
22 labeling of drugs and devices, except labeling by a
23 manufacturer, repackager or distributor of
24

1 nonprescription drugs and commercially packaged legend
2 drugs and devices,

3 c. the participation in drug selection and drug
4 utilization reviews,

5 d. the proper and safe storage of drugs and devices and
6 the maintenance of proper records thereof,

7 e. the responsibility for advising by counseling and
8 providing information, where professionally necessary
9 or where regulated, of therapeutic values, content,
10 hazards and use of drugs and devices,

11 f. the offering or performing of those acts, services,
12 operations or transactions necessary in the conduct,
13 operation, management and control of a pharmacy, or

14 g. the provision of those acts or services that are
15 necessary to provide pharmaceutical care;

16 ~~38.~~ 39. "Preparation" means an article which may or may not
17 contain sterile products compounded in a licensed pharmacy pursuant
18 to the order of a licensed prescriber;

19 ~~39.~~ 40. "Prescriber" means a person licensed in this state who
20 is authorized to prescribe dangerous drugs within the scope of
21 practice of the person's profession;

22 ~~40.~~ 41. "Prescription" means and includes any order for drug or
23 medical supplies written or signed, or transmitted by word of mouth,
24 telephone or other means of communication:

- 1 a. by a licensed prescriber,
2 b. under the supervision of an Oklahoma licensed
3 practitioner, an Oklahoma licensed advanced practice
4 registered nurse or an Oklahoma licensed physician
5 assistant, or
6 c. by an Oklahoma licensed wholesaler or distributor as
7 authorized in Section 353.29.1 of this title;

8 ~~41.~~ 42. "Product" means a prescription drug in a finished
9 dosage form for administration to a patient without substantial
10 further manufacturing, such as capsules, tablets, and lyophilized
11 products before reconstitution. "Product" does not include blood
12 components intended for transfusion, radioactive drugs or biologics
13 and medical gas;

14 ~~42.~~ 43. "Repackager"~~7~~, including "virtual repackager", means a
15 person who owns or operates an establishment that repacks and
16 relabels a product or package for further sale or distribution
17 without further transaction;

18 ~~43.~~ 44. "Sterile drug" means a drug that is intended for
19 parenteral administration, an ophthalmic or oral inhalation drug in
20 aqueous format, or a drug that is required to be sterile under state
21 and federal law;

22 ~~44.~~ 45. "Supervising physician" means an individual holding a
23 current license to practice as a physician from the State Board of
24 Medical Licensure and Supervision, pursuant to the provisions of the

1 Oklahoma Allopathic Medical and Surgical Licensure and Supervision
2 Act, or the State Board of Osteopathic Examiners, pursuant to the
3 provisions of the Oklahoma Osteopathic Medicine Act, who supervises
4 an advanced practice registered nurse as defined in Section 567.3a
5 of this title, and who is not in training as an intern, resident, or
6 fellow. To be eligible to supervise an advanced practice registered
7 nurse, such physician shall remain in compliance with the rules
8 promulgated by the State Board of Medical Licensure and Supervision
9 or the State Board of Osteopathic Examiners;

10 ~~45.~~ 46. "Supportive personnel" means technicians and auxiliary
11 supportive persons who are regularly paid employees of a pharmacy
12 who work and perform tasks in the pharmacy as authorized by Section
13 353.18A of this title;

14 ~~46.~~ 47. "Third-party logistics provider"~~7~~ including "virtual
15 third-party logistics provider" means an entity that provides or
16 coordinates warehousing, or other logistics services of a product in
17 interstate commerce on behalf of a manufacturer, wholesale
18 distributor, or dispenser of a product but does not take ownership
19 of the product, nor have responsibility to direct the sale or
20 disposition of the product. For the purposes of this paragraph,
21 "third-party logistics provider" does not include shippers and the
22 United States Postal Service;

23 ~~47.~~ 48. "Wholesale distributor"~~7~~ including "virtual wholesale
24 distributor" means a person other than a manufacturer, a

1 manufacturer's co-licensed partner, a third-party logistics
2 provider, or repackager engaged in wholesale distribution as defined
3 by 21 U.S.C. 353(e) (4) as amended by the Drug Supply Chain Security
4 Act;

5 ~~48.~~ 49. "County jail" means a facility operated by a county for
6 the physical detention and correction of persons charged with, or
7 convicted of, criminal offenses or ordinance violations or persons
8 found guilty of civil or criminal contempt;

9 ~~49.~~ 50. "State correctional facility" means a facility or
10 institution that houses a prisoner population under the jurisdiction
11 of the Department of Corrections;

12 ~~50.~~ 51. "Unit dose package" means a package that contains a
13 single dose drug with the name, strength, control number, and
14 expiration date of that drug on the label; and

15 ~~51.~~ 52. "Unit of issue package" means a package that provides
16 multiple doses of the same drug, but each drug is individually
17 separated and includes the name, lot number, and expiration date.

18 SECTION 7. AMENDATORY 59 O.S. 2021, Section 353.7, is
19 amended to read as follows:

20 Section 353.7. The State Board of Pharmacy shall have the power
21 and duty to:

- 22 1. Regulate the practice of pharmacy;
- 23 2. Regulate the sale and distribution of drugs, medicines,
24 chemicals and poisons;

- 1 3. Regulate the dispensing of drugs and medicines in all places
2 where drugs and medicines are compounded and/or dispensed;
- 3 4. Examine and issue appropriate certificates of licensure as
4 Doctor of Pharmacy to all applicants whom the Board deems qualified
5 under the provisions of the Oklahoma Pharmacy Act;
- 6 5. Issue licenses to manufacturers, repackagers, outsourcing
7 facilities, wholesale distributors, third-party logistics providers,
8 pharmacies and other dispensers, medical gas suppliers ~~and,~~ medical
9 gas distributors, and suppliers of durable medical equipment;
- 10 6. Issue sterile compounding and drug supplier permits for
11 pharmacies at the fee set by the Board, with the expiration date of
12 such permits to coincide with the pharmacy license annual expiration
13 date;
- 14 7. Prescribe minimum standards with respect to floor space and
15 other physical characteristics of pharmacies and hospital drug rooms
16 as may be reasonably necessary for the maintenance of professional
17 surroundings and for the protection of the safety and welfare of the
18 public, and to refuse the issuance of new or renewal licenses for
19 failure to comply with such standards. Minimum standards for
20 hospital drug rooms shall be consistent with the State Department of
21 Health, Hospital Standards, as defined in OAC 310:667;
- 22 8. Authorize its inspectors, compliance officers and duly
23 authorized representatives to enter and inspect any and all places
24 including premises, vehicles, equipment, contents and records, where

1 drugs, medicines, chemicals or poisons are stored, sold, vended,
2 given away, compounded, dispensed, manufactured, repackaged or
3 transported;

4 9. Employ the number of inspectors and pharmacist compliance
5 officers necessary in the investigation of criminal activity or
6 preparation of administrative actions at an annual salary to be
7 fixed by the Board, and to authorize necessary expenses. Any
8 inspector certified as a peace officer by the Council of Enforcement
9 Education and Training shall have statewide jurisdiction to perform
10 the duties authorized by this section. In addition, the inspectors
11 shall be considered peace officers and shall have the same powers
12 and authority as that granted to peace officers. In addition, such
13 inspectors or pharmacist compliance officers shall have the
14 authority to take and copy records and the duty to confiscate all
15 drugs, medicines, chemicals or poisons found to be stored, sold,
16 vended, given away, compounded, dispensed or manufactured contrary
17 to the provisions of the Oklahoma Pharmacy Act;

18 10. Investigate complaints, subpoena witnesses and records,
19 initiate prosecution and hold hearings;

20 11. Administer oaths in all manners pertaining to the affairs
21 of the Board and to take evidence and compel the attendance of
22 witnesses on questions pertaining to the enforcement of the Oklahoma
23 Pharmacy Act;

24

1 12. Reprimand, place on probation, suspend, revoke permanently
2 and levy fines not to exceed Three Thousand Dollars (\$3,000.00) for
3 each count for which any person charged with violating the Oklahoma
4 Pharmacy Act or Oklahoma Board of Pharmacy administrative rules has
5 been convicted in Board hearings. The Board also may take other
6 disciplinary action. The Board may impose as part of any
7 disciplinary action the payment of costs expended by the Board for
8 any legal fees and costs including, but not limited to, staff time,
9 salary and travel expense, witness fees and attorney fees. The
10 Board may also require additional continuing education including
11 attendance at a live continuing education program, and may require
12 participation in a rehabilitation program for the impaired. The
13 Board may take such actions singly or in combination, as the nature
14 of the violation requires;

15 13. Adopt and establish rules of professional conduct
16 appropriate to the establishment and maintenance of a high standard
17 of integrity and dignity in the profession of pharmacy. Such rules
18 shall be subject to amendment or repeal by the Board as the need may
19 arise;

20 14. Make and publish rules such as may be necessary for
21 carrying out and enforcing the provisions of the Oklahoma Pharmacy
22 Act, Oklahoma drug laws and rules, federal drug laws and
23 regulations, and make such other rules as in its discretion may be
24 necessary to protect the health, safety and welfare of the public;

1 15. Establish and collect appropriate fees for licenses,
2 permits, inspections and services provided; and such fees shall be
3 nonrefundable. Such fees shall be promulgated to implement the
4 provisions of the Oklahoma Pharmacy Act and the Oklahoma Abortion-
5 Inducing Drug Certification Program Act under the provisions of the
6 Administrative Procedures Act;

7 16. Regulate:

- 8 a. personnel working in a pharmacy, such as interns and
9 supportive personnel including technicians, and issue
10 pharmacy technician permits and intern licenses,
- 11 b. interns, preceptors and training areas through which
12 the training of applicants occurs for licensure as a
13 pharmacist, and
- 14 c. such persons regarding all aspects relating to the
15 handling of drugs, medicines, chemicals and poisons;

16 17. Acquire by purchase, lease, gift, solicitation of gift or
17 by any other manner, and to maintain, use and operate or to contract
18 for the maintenance, use and operation of or lease of any and all
19 property of any kind, real, personal or mixed or any interest
20 therein unless otherwise provided by the Oklahoma Pharmacy Act;
21 provided, all contracts for real property shall be subject to the
22 provisions of Section 63 of Title 74 of the Oklahoma Statutes;

1 18. Perform other such duties, exercise other such powers and
2 employ such personnel as the provisions and enforcement of the
3 Oklahoma Pharmacy Act may require; and

4 19. Approve pilot projects designed to utilize new or expanded
5 technology or processes and provide patients with better pharmacy
6 products or provide pharmacy services in a more safe and efficient
7 manner. Such approvals may include provisions granting exemptions
8 to any rule adopted by the Board.

9 SECTION 8. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 353.7a of Title 59, unless there
11 is created a duplication in numbering, reads as follows:

12 The State Board of Pharmacy shall assess the following licensure
13 fees for the stated entities:

14 1. For a medical gas distributor, Four Hundred Dollars
15 (\$400.00) for an initial license and Two Hundred Dollars (\$200.00)
16 for a license renewal;

17 2. For a supplier of durable medical equipment, Four Hundred
18 Dollars (\$400.00) for an initial license and Two Hundred Dollars
19 (\$200.00) for a license renewal;

20 3. For a combined license for a medical gas distributor and
21 supplier of durable medical equipment, Six Hundred Dollars (\$600.00)
22 for an initial license and Three Hundred Dollars (\$300.00) for a
23 license renewal; and

24

1 4. For a medical gas supplier, an amount determined by the
2 Board in rule.

3 SECTION 9. This act shall become effective November 1, 2022.

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