NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

[Editor's Note: The following Notice of Final Rulemaking, originally published at 8 A.A.C. 409, February 1, 2002, is republished because of printing errors.]

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

PREAMBLE

1. Sections Affected — **Rulemaking Action**

R4-23-110	Amend
Article 2	Amend
R4-23-202	Amend
R4-23-203	Amend
R4-23-204	Amend
R4-23-205	Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 32-1904(A)(1), (2), and (5) and 32-1904(B)(7), (10), and (11)

Implementing statutes: A.R.S. §§ 32-1922, 32-1924(A), (B), (D), (E), and (F), 32-1925(A), (B), (C), and (E)(1), 32-1931, 32-1935, 32-1936, and 32-1937

3. The effective date of the rules:

January 10, 2002

4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 7 A.A.R. 977, February 23, 2001

Notice of Proposed Rulemaking: 7 A.A.R. 3718, August 31, 2001

5. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Dean Wright, Compliance Officer

Address: Board of Pharmacy
4425 W. Olive Ave., Suite 140
Glendale, AZ 85302

Telephone: (623) 463-2727, ext. 131

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6. An explanation of the rule, including the agency's reasons for initiating the rule:

This rulemaking increases the pharmacist license and pharmacy permit fees. The biennial licensure fee for a pharmacist is increased from $110 to $145. The biennial permit fee for a pharmacy is increased from $300 to $400. The fee increase is necessary to accommodate an ever increasing budget. Additional changes in Sections R4-23-202 and R4-23-203 will clarify the requirements and procedures for licensure by examination and reciprocity. Board staff pointed out that the examination fee in R4-23-205 was only being required of applicants for licensure by examination and not applicants by reciprocity. A.R.S. § 32-1922(A)(5) mandates an examination fee for all pharmacist licensure applicants. This rulemaking decreases the examination fee for initial taking of the AZPLEX examination from $100 to $50. NAPLEX and AZPLEX are computer-based examinations that are approved by the Board and administered through the National Association of Boards of Pharmacy. The use of the NAPLEX and AZPLEX allows applicants a

choice between many locations in this and other states for taking the examinations. This decreases the time needed to become licensed. During the five-year rule review approved on September 9, 1997, the Board determined that R4-23-204 should be amended by moving definitions in subsection (B) into R4-23-110. Other changes are made to comply with the current Administrative Procedure Act and to make the rules more clear, concise, and understandable.

The Board believes that approval of these rules will benefit the public health and safety by establishing clear standards governing pharmacist licensure and continuing education. The Board further believes that the fee increase is necessary to cover an increasing budget and support a Board staff dedicated to protecting public health and safety.

7. A reference to any study that the agency relied on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:

Not applicable

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

The proposed rule will impact the Board, pharmacists, and pharmacies. Some of the changes to the rule have no economic impact, but rather provide more clear, concise, and understandable language.

After conferring with the Joint Legislative Budget Committee, the Board determined that a fee increase for pharmacists and pharmacies is necessary to provide a needed budget increase to cover the costs of adding one new compliance officer and two non-pharmacist inspectors to the staff. A continuing increase in the number of pharmacies, drug wholesalers, nonprescription drug retailers, and other drug outlets in the state has put extreme pressure on the existing Board staff. The number of pharmacies in the state as of June 30, 2000 was 870. That is an increase of 21% since June 30, 1986 when there were 721 pharmacies in Arizona. The number of pharmacists with active in-state licenses as of June 30, 2000 was 3629. That is an increase of 57% since June 30, 1986 when there were 2315 active in-state pharmacists. The Board employed four full-time compliance officers in 1986 and currently employs only four full-time compliance officers. The Board has lost four compliance officers in the last four years because pharmacist compliance officer's salaries have not keep pace with the pharmacist salaries offered by community and hospital pharmacies. The 2001 Arizona Legislature approved the Board's 2002-2004 biennial budget to include a salary increase for pharmacist compliance officers and one additional compliance officer and two non-pharmacist inspectors. To support this budget increase, the Board approved a fee increase (within the allowed statutory maximum) for the pharmacist license and pharmacy permit. The pharmacist licensure fee increases to $145 biennially from $110 biennially. The pharmacy permit fee increases to $400 biennially from $300 biennially. The increased fees will not go into effect until the first renewal period after the effective date of the final rule.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

At the request of G.R.R.C. staff, the Board made minor grammar, style, format, and punctuation changes. A written comment by the Arizona Pharmacy Association prompted the Board to make a nonsubstantive change in R4-23-204(C)(1)(b). The words "a statement of credit or" are inserted before the words "a certificate" in R4-23-204(C)(1)(b) of the final rule. A Board member noticed that the heading of Article 2 uses the word "registration" and that word is not used in any of the Sections in the Article. Instead the word "licensure" is used throughout the Sections of Article 2. The Board approved the nonsubstantive change to the heading of Article 2 to "Pharmacist Licensure" instead of "Pharmacist Registration".

11. A summary of the principal comments and the agency response to them:

There was one written comment received from the Arizona Pharmacy Association. The written comment asked that the words "a statement of credit or" be inserted before the words "a certificate" in R4-23-204(C)(1)(b) because the American Council of Pharmaceutical Education (ACPE) has changed how they define a certificate of credit for pharmacy continuing education. ACPE guidelines for documentation of continuing education credit state that any program that provides a minimum of 15 contact hours in a particular subject (for example, diabetes, asthma, etc.) qualifies to be a certificate-type program and the participant receives a certificate. For any program that provides at least one contact hour of instruction, the participant receives a statement of credit. The Board agreed with the comment and made the nonsubstantive change in the final rule.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously approved as an emergency rule?

No

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

ARTICLE 1. ADMINISTRATION

Section
R4-23-110. Definitions

ARTICLE 2. PHARMACIST ~~REGISTRATION~~ LICENSURE

Section
R4-23-202. Licensure by Examination
R4-23-203. Licensure by Reciprocity
R4-23-204. Continuing Education Requirements
R4-23-205. Fees

ARTICLE 1. ADMINISTRATION

R4-23-110. Definitions

"Active ingredient" means any component that furnishes pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease or that affects the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug, that are present in the finished drug product in a modified form, and that furnish the specified activity or effect.

"Approved course in pharmacy law" means a continuing education activity that addresses practice issues related to state or federal pharmacy statutes, rules, or regulations.

"Approved Provider" means an individual, institution, organization, association, corporation, or agency that is approved by the American Council on Pharmaceutical Education (ACPE) in accordance with ACPE's policy and procedures or by the Board as meeting criteria indicative of the ability to provide quality continuing education.

"Authentication of product history" means identifying the purchasing source, the ultimate fate, and any intermediate handling of any component of a radiopharmaceutical or other drug.

"Container" means:

A receptacle, as described in the official compendium or the federal act, that is used in manufacturing or compounding a drug or in distributing, supplying, or dispensing the finished dosage form of a drug; or

A metal receptacle designed to contain liquefied or vaporized compressed medical gas and used in manufacturing, transfilling, distributing, supplying, or dispensing a compressed medical gas.

"Continuing education" means a structured learning process required of a licensed pharmacist to maintain licensure that includes study in the general areas of socio-economic and legal aspects of health care; the properties and actions of drugs and dosage forms; etiology, characteristics and therapeutics of disease status; or pharmacy practice.

"Continuing education activity" means continuing education obtained through an institute, seminar, lecture, conference, workshop, mediated instruction, programmed learning course, or postgraduate study in an accredited college or school of pharmacy.

"Continuing education unit" or "CEU" means 10 contact hours of participation in a continuing education activity sponsored by an Approved Provider.

"Contact hour" means 50 minutes of participation in a continuing education activity sponsored by an Approved Provider.

"Correctional facility" has the same meaning as in A.R.S. §§ 13-2501 and 31-341.

"Mediated instruction" means information transmitted via intermediate mechanisms such as audio or video tape or telephone transmission.

"MPJE" means Multistate Pharmacy Jurisprudence Examination.

"NABP" means National Association of Boards of Pharmacy.

ARTICLE 2. PHARMACIST ~~REGISTRATION~~ LICENSURE

R4-23-202. Licensure by Examination

A. Eligibility~~:~~. To be eligible for licensure as a pharmacist by examination, a person shall:

1. Have an undergraduate ~~or first professional~~ degree in pharmacy from a school or college of pharmacy whose professional degree program, at the time the person graduates, is accredited by the American Council on Pharmaceutical Education~~,~~; or
2. Qualify under the requirements of A.R.S. § 32-1922(C); and

~~2.~~3. Complete not less than 1500 hours of intern training as specified in R4-23-303.

B. Application~~:~~.

1. An applicant for licensure by examination shall file with the Board office:
   a. A completed application for licensure by examination form, ~~at least 30 days before the date of the AZPLEX, and~~
   b. A completed NAPLEX registration form ~~for the NAPLEX at least 30 days before the applicant's preferred NAPLEX testing window~~ or ensure receipt of an ~~Official~~ official NABP ~~Score Transfer Report~~ score transfer report through the Board ~~Office~~ office online computer link with NABP indicating the applicant's score on the NAPLEX taken in another jurisdiction, and
   c. A completed AZPLEX registration form.
2. The Board ~~Office~~ office shall deem an application ~~form~~ or registration form received on the date that the Board ~~Office~~ office stamps on the form as the form is delivered to the Board ~~Office and~~ office. The Board office shall deem a score transfer received on the date that the NABP transmits the applicant's ~~Official~~ official NABP ~~Score Transfer Report~~ score transfer report through the online computer link to the Board ~~Office~~ office.
3. An applicant for licensure by examination shall:
   a. Make application ~~for licensure by examination~~ on a form furnished by the Board, and
   b. ~~shall submit~~ Submit with the application for licensure by examination form~~,~~:
      i. The documents specified in the application form, and
      ii. The examination fee specified in R4-23-205(C)~~(1)(a). The fee shall be paid~~ made payable to the Arizona State Board of Pharmacy by money order or certified or personal check.
4. An applicant for licensure by examination shall:
   a. Make ~~the~~ NAPLEX and AZPLEX registration on ~~a form~~ forms furnished by the Board or NABP; and
   b. ~~shall submit~~ Submit with the registration ~~form~~ forms~~,~~:
      i. The documents specified in the registration ~~form~~ forms~~,~~; and
      ii. The examination fee specified by ~~NABP. The fee shall be~~ and made payable to NABP by money order, certified check, or bank draft.
5. The Board shall deem ~~a~~ an application for licensure by examination or a NAPLEX or AZPLEX registration ~~or AZPLEX application for licensure by examination~~ to be invalid after 12 months from the date the Board ~~Office~~ office determines an application or registration form is complete. An applicant whose application or registration form is invalid and who wishes to continue licensure procedures, shall submit a new application ~~form~~ or registration form and fee.

C. Passing grade; notification; re-examination~~:~~.

1. To pass the required examinations, an applicant shall obtain a score of at least 75 on both the NAPLEX and ~~75% on the~~ AZPLEX.
2. The ~~NABP will forward~~ Board office shall:
   a. Retrieve an applicant's NAPLEX and AZPLEX score ~~to the Board~~ from the NABP online database no later than ~~2~~ two weeks after the applicant's examination date~~.~~; and
   b. ~~The Board Office shall~~ Mail ~~the~~ an applicant's NAPLEX and AZPLEX score to ~~an~~ the applicant no later than ~~7~~ seven days after the Board ~~Office~~ office receives the applicant's score from NABP.

~~3. The Board Office shall mail an applicant's AZPLEX score to the applicant no later than 14 days after the applicant takes the examination.~~

~~4.~~3. An applicant who fails the NAPLEX or AZPLEX may apply to ~~take a subsequent~~ retake the examination within the 12-month period defined in subsection(B)(5). An applicant applying to ~~take a subsequent~~ retake an examination shall submit to the Board ~~Office~~ office a completed NAPLEX or AZPLEX registration form and pay the examination fee specified by ~~NABP. The fee shall be~~ and made payable to NABP by money order, certified check, or bank draft. An applicant who fails the NAPLEX or AZPLEX ~~3~~ three times shall petition the Board for permission before retaking the examination.

~~5. An applicant who fails the AZPLEX may apply for reexamination within the 12-month application period defined in subsection(B)(5).An applicant applying for reexamination shall submit to the Board Office a written request to retake the AZPLEX including the examination date preferred by the applicant and pay the examination fee specified in R4-23-205(C) (1)(b). The fee shall be paid to the Arizona State Board of Pharmacy by money order or certified or personal check. An applicant who fails the AZPLEX 3 times shall petition the Board for permission before retaking the examination.~~

D. NAPLEX score transfer~~:~~.

1. An applicant who receives a passing score on the NAPLEX taken in another jurisdiction shall, ~~complete the licensure procedure~~ within 12 months from the date the Board office receives the applicant's ~~Official~~ official NABP ~~Score Transfer Report~~ score transfer report from the NABP, ~~by making~~ make application for licensure according to subsection (B)~~(3)~~. After 12 months, an applicant may ~~apply~~ reapply for licensure in ~~Arizona~~ this state under the provisions of ~~R4-23-202(B)~~ subsection (B) or R4-23-203(B).
2. An applicant who takes the NAPLEX in another jurisdiction and fails the examination may apply for licensure in ~~Arizona~~ this state under the provisions of ~~R4-23-202(B)~~ subsection (B).

E. Licensure~~:~~. The Board office shall issue a certificate of licensure to a successful applicant upon receipt of the licensure fee specified in R4-23-205(A)(1)(a). The Board ~~Office~~ office shall:
1. Provide a receipt for payment of the licensure fee to an applicant who delivers a payment in person, or
2. ~~mail~~ Mail a receipt for payment of the licensure fee to ~~the~~ an applicant within ~~1~~ one working day of receiving the payment by mail or other delivery service.

F. Time-frames for licensure by examination~~:~~.
1. The Board ~~Office~~ office shall ~~finish~~ complete an administrative completeness review within 20 days from the date of receipt of an application or registration form.
   a. The Board ~~Office~~ office shall issue a written notice of administrative completeness to the applicant if no deficiencies are found in the application or registration form.
   b. If the application or registration form is incomplete, the Board ~~Office~~ office shall provide the applicant with a written notice that includes a comprehensive list of the missing information. The 20-day time-frame for the Board ~~Office~~ office to finish the administrative completeness review is suspended from the date the notice of incompleteness is served until the applicant provides the Board ~~Office~~ office with all missing information.
   c. If the Board ~~Office~~ office does not provide the applicant with notice regarding administrative completeness, the application or registration form shall be deemed complete 20 days after receipt by the Board ~~Office~~ office.
2. An applicant with an incomplete application or registration form shall submit all of the missing information within 30 days of service of the notice of incompleteness.
   a. If an applicant cannot submit all missing information within 30 days of service of the notice of incompleteness, the applicant may ~~obtain an extension by submitting~~ send a written request for an extension to the Board ~~Office~~ office post marked or delivered no later than 30 days from service of the notice of incompleteness.
   b. The written request for an extension shall document the reasons the applicant is unable to meet the 30-day deadline.
   c. The Board ~~Office~~ office shall review the request for an extension of the 30-day deadline and grant the request if the Board ~~Office~~ office determines that an extension of the ~~30-day~~ deadline will enable the applicant to assemble and submit the missing information. An extension ~~of the 30-day deadline~~ shall be for no more than 30 days. The Board ~~Office~~ office shall notify the applicant in writing of its decision to grant or deny the request for an extension. An applicant who requires an additional extension shall submit an additional written request in accordance with this subsection.
3. If an applicant fails to submit a complete application or registration form within the time allowed, the Board ~~Office~~ office shall close the applicant's file. An applicant~~,~~ whose file is closed and who later wishes to obtain a license~~,~~ shall apply again in accordance with subsection (B).
4. ~~From the date on which the administrative completeness review of an application or registration form is finished, the~~ The Board ~~Office~~ office shall complete a substantive review of the applicant's qualifications in no more than 20 days from the date on which the administrative completeness review of an application or registration form is complete.
   a. If an applicant is found to be ineligible for licensure by examination, the Board ~~Office~~ office shall issue a written notice of denial to the applicant.
   b. If an applicant is found to be eligible to take the NAPLEX, the Board ~~Office~~ office shall issue a written notice of eligibility to the applicant and the NABP.
   c. If an applicant is found to be eligible to take the AZPLEX, the Board ~~Office~~ office shall issue a written notice of eligibility to the applicant and the NABP.
   d. If the Board ~~Office~~ office finds deficiencies during the substantive review of an application or registration form, the Board ~~Office~~ office shall issue a written request to the applicant for additional documentation.
   e. The 20-day time-frame for a substantive review of eligibility to take the NAPLEX or AZPLEX is suspended from the date of a written request for additional documentation until the date that all documentation is received. The applicant shall submit the additional documentation in accordance with subsection (F)(2).
   f. If the applicant and the Board ~~Office~~office mutually agree in writing, the 20-day substantive review time-frame may be extended once for no more than 10 days.
5. For the purpose of A.R.S. § 41-1072 ~~et.seq.~~ et seq., the Board establishes the following time-frames for licensure by examination.
   a. Administrative completeness review time-frame: 20 days.
   b. Substantive review time-frame: 20 days.
   c. Overall time-frame: 40 days.

R4-23-203. Licensure by Reciprocity

A. Eligibility~~:~~. A person is eligible for licensure by reciprocity who:
1. Is licensed as a pharmacist in a jurisdiction that provides reciprocity to Arizona licensees;
2. Has passed the NABPLEX or NAPLEX with a score of 75 or better or was licensed by examination in another jurisdiction having essentially the same standards for licensure as ~~Arizona~~ this state at the time the pharmacist was licensed;

3. Provides evidence to the Board of having completed the required secondary and professional education and training specified in R4-23-202(A);
4. Has engaged in the practice of pharmacy for at least ~~1~~ one year or has met the internship requirements of ~~Arizona~~ A.A.C. Title 4, Chapter 23, Article 3 within the year immediately before the date of application; and
5. Has actively practiced as a pharmacist for 400 or more hours within the last calendar year~~. If this requirement is not met, an applicant may qualify for licensure by reciprocity by obtaining~~ or has an Arizona graduate intern license and ~~completing~~ has completed 400 hours of internship training in an approved internship training site.

B. Application~~:~~.

1. ~~A person who is eligible and wishes to be licensed~~ An applicant for licensure by reciprocity shall file with the Board office:
   a. ~~an application~~ A completed application for licensure by reciprocity form ~~at least 20 days before the date of the AZPLEX~~; and
   b. A completed AZPLEX registration form.
2. The Board ~~Office~~ office shall deem an application ~~for licensure by reciprocity~~ or registration form received on the date that the Board ~~Office~~ office stamps on the application or registration form as the form is delivered to the Board ~~Office~~ office.
3. An applicant for licensure by reciprocity shall:
   a. Make application ~~for licensure by reciprocity~~ on a form furnished by the Board, and
   b. ~~shall submit~~ Submit with the application for licensure by reciprocity form~~,~~:
      i. The documents specified in the application form, and
      ii. The reciprocity and examination fee specified in R4-23-205(B) and (C)~~. The fee shall be paid~~ and made payable to the Arizona State Board of Pharmacy by money order or certified or personal check ~~and entitles the applicant to 1 sitting of the AZPLEX~~.
4. An applicant for licensure by reciprocity shall:
   a. Make AZPLEX registration on a form furnished by the Board or NABP; and
   b. Submit with the registration form:
      i. The documents specified in the registration form; and
      ii. The examination fee specified by and made payable to NABP by money order, certified check, or bank draft.

~~4.~~5. The Board office shall deem an application for licensure by reciprocity form or AZPLEX registration invalid after 12 months from the date the Board ~~Office~~ office determines an application or registration form is complete. An applicant whose application or registration form is invalid and who wishes to continue licensure procedures, shall submit a new application or registration form and fee.

C. Passing grade; notification; re-examination~~:~~.

1. To pass the required examination, an applicant shall obtain a score of at least 75~~%~~ on the AZPLEX.
2. The Board office shall:
   a. Retrieve an applicant's AZPLEX score from the NABP online database no later than two weeks after the applicant's examination date; and
   b. Mail an applicant's AZPLEX score to the applicant no later than ~~14~~ seven days after the ~~applicant takes the examination~~ Board office receives the applicant's score from NABP.
3. ~~If~~ An applicant who fails the AZPLEX~~, the applicant~~ may apply ~~for reexamination~~ to retake the examination within the 12-month ~~application~~ period ~~defined~~ specified in subsection ~~(B)(4)~~ (B)(5). An applicant applying ~~for reexamination~~ to retake an examination shall submit to the Board ~~Office~~ office a ~~written request to retake the AZPLEX including the examination date preferred by the applicant~~ completed AZPLEX registration form and pay the examination fee specified ~~in R4-23-205(C)(1)(b). The fee shall be paid to the Arizona State Board of Pharmacy by money order or certified or personal check~~ by and made payable to NABP by money order, certified check, or bank draft. An applicant who fails the AZPLEX ~~3~~ three times shall petition the Board for permission before retaking the examination.

D. Licensure~~:~~. The Board office shall issue a certificate of licensure to a successful applicant upon receipt of the licensure fee specified in R4-23-205(A)(1)(a). The Board ~~Office~~ office shall:

1. Provide a receipt for payment of the licensure fee to an applicant who delivers a payment in person; or
2. ~~mail~~ Mail a receipt for payment of the licensure fee to an applicant within ~~1~~ one working day of receiving the payment by mail or other delivery service.

E. Time-frames for licensure by reciprocity~~:~~. The Board ~~Office~~ office shall follow the time-frames established for licensure by examination in R4-23-202(F).

R4-23-204. Continuing Education Requirements

A. General~~:~~. In accordance with A.R.S. § 32-1925(G), ~~no renewal of license shall be issued by~~ the Board shall not renew a license unless the applicant has, during the two years preceding the application for renewal, participated in 30 contact hours (3.0 CEU's) of continuing education ~~activities~~ activity sponsored by an Approved Provider as defined in ~~(B)(5) of this section~~ R4-23-110, of which at least three contact hours (0.3 CEU's) ~~of which shall be~~ are approved courses ~~on~~ in pharmacy law. ~~Pharmacists~~ Subject to A.R.S. § 32-1937, a pharmacist licensed for less than 24 months shall ~~accrue~~ obtain

continuing education units in an amount determined by multiplying 1.25 hours times the number of months between the date of ~~their~~ initial licensure and the next license renewal date ~~of their application for renewal of their license~~.

~~**B.** Definitions:~~

~~1. Continuing education shall include study in the general areas of socio-economic and legal aspects of health care; the properties and actions of drugs and dosage forms; etiology, characteristics and therapeutics of disease status; and pharmacy practice.~~

~~2. Continuing education activities shall consist of institutes, seminars, lectures, conferences, workshops, various forms of mediated instruction, or programmed learning courses. Postgraduate studies in an accredited college of pharmacy shall be considered as continuing education activities.~~

~~3. A continuing education unit (CEU) is equivalent to ten contact hours of participation in a continuing education activity sponsored by an Approved Provider.~~

~~4. A contact hour is equivalent to 50 minutes of participation in a continuing education activity sponsored by an Approved Provider.~~

~~5. "Approved Provider" means an individual, institution, organization, association, corporation or agency that has been approved by the American Council on Pharmaceutical Education (A.C.P.E.) in accordance with its policy and procedures, or by the Board as having met criteria indicative of the ability to provide quality continuing education.~~

~~6. Mediated instruction refers to learning transmitted via intermediate mechanisms such as audio and/or visual tape, telephonic transmission, etc.~~

~~7. "Approved course in pharmacy law" means a continuing education activity that addresses practice issues related to state or federal pharmacy statutes, rules or regulations.~~

~~**C.**~~**B.** Acceptance of continuing education units (CEU's). ~~1.~~ The Board shall:

1. Only accept ~~continuing education units (~~CEU's~~)~~ for continuing education activities ~~provided the activities are~~ sponsored by an Approved Provider~~.~~:
2. Only accept ~~continuing education units (~~CEU's~~)~~ accrued during the two-year period immediately ~~prior to~~ before ~~renewal shall be considered acceptable for~~ licensure renewal~~.~~:
3. ~~No continuing education units (CEU's) may be~~ Not allow CEU's accrued in a biennial renewal period in ~~as~~ excess of the 3.0 CEU's required ~~and~~ to be carried forward to the succeeding biennial renewal period~~.~~:
4. ~~Any~~ Allow a pharmacist who leads, instructs, or lectures to ~~groups~~ a group of health professionals on pharmacy-related topics in continuing education activities sponsored by an Approved Provider ~~shall be granted continuing education units (CEU's) for such time expended during actual presentation, upon documentation to the Board~~ to receive CEU's for a presentation by following the same attendance procedures as any other attender of the continuing education activity~~.~~; and
5. ~~Any pharmacist whose primary responsibility is the education of health professionals shall~~ Not ~~be granted continuing education units (CEU's) for~~ accept as CEU's the performance of normal teaching duties within ~~the~~ a learning institution~~.~~ by a pharmacist whose primary responsibility is the education of health professionals.

~~**D.**~~**C.** Continuing education records ~~of continuing education units (~~and reporting CEU's~~)~~:. ~~1. Each individual~~ A pharmacist ~~is responsible for~~ shall:

1. ~~maintaining and preserving~~ Maintain continuing education records that:
   a. ~~which verify~~ Verify the continuing education activities ~~in which he or she has~~ the pharmacist participated in during the preceding five years~~.~~; and
2. ~~2.~~ b. ~~The records shall consist~~ Consist of ~~the~~ a statement of credit or a certificate issued by ~~the~~ an Approved Provider at the conclusion of ~~each~~ a continuing education activity; ~~or documentation in the case of a leader, instructor or lecturer.~~

~~**E.** Reporting of continuing education units (CEU's):~~

~~1.~~2. At the time ~~a pharmacist is required to renew his or her license the pharmacist shall~~ of licensure renewal, attest to ~~participating in continuing education, pursuant to (A) of this section,~~ the number of CEU's the pharmacist participated in during the renewal period on the biennial renewal ~~application~~ form~~.~~; and

~~2.~~3. ~~In the event a pharmacist is~~ When requested by the Board office, ~~to~~ submit proof of continuing education participation ~~and fails to do so~~ within 20 days of the request~~, the licensee shall be advised he or she is non-compliant and shall be required to appear before the Board~~.

D. The Board may revoke, suspend, or place on probation the license of a pharmacist who fails to comply with continuing education participation, recording, or reporting requirements of this Section.

~~**F.**~~**E.** ~~In the event that~~ A pharmacist who is aggrieved by any decision of the Board or its administrative staff concerning continuing education units~~, he~~ may request a hearing before the Board.

R4-23-205. Fees

A. Licensure fees:
1. Pharmacist:
   a. Initial licensure [Prorated according to A.R.S. § 32-1925(B)]: $~~110~~ 145.
   b. Licensure renewal: $~~110~~ 145.

2. Pharmacy or graduate intern: $10.

B. Reciprocity fee: $300.

C. Examination fee~~s~~: $50.

~~1. AZPLEX:~~

~~a. Initial: $100.~~

~~b. Retake: $50.~~

~~2. NAPLEX: specified by and made payable to NABP according to R4-23-202(B)(4).~~

D. Vendor permit fees (Resident and nonresident):

1. Pharmacy: $~~300~~ 400 biennially (Including hospital, and limited service). ~~(Including hospital, and limited service.)~~
2. Drug wholesaler or manufacturer:
   a. Manufacturer: $1000 biennially.
   b. Full service drug wholesaler: $1000 biennially.
   c. Nonprescription drug wholesaler: $500 biennially.
3. Drug packager or repackager: $1000 biennially.
4. Nonprescription drug, retail:
   a. Category I (30 or fewer items): $100 biennially
   b. Category II (more than 30 items): $200 biennially
5. Compressed medical gas distributor: $200 biennially
6. Compressed medical gas supplier: $100 biennially

E. Other Fees:

1. Wall certificate.
   a. Pharmacist: $20.
   b. Pharmacy intern: $10.
   c. Relief Pharmacist: $10.
2. Duplicate of any Board-issued license, registration, certificate, or permit: $10.
3. Certification of electronic security system: $25.

F. Fees are not refunded under any circumstances except for the Board's failure to comply with its established licensure or permit time-frames under A.R.S. § 41-1077.

G. Penalty fee. Renewals submitted after expiration date are subject to penalty fees as provided in A.R.S. § 32-1925.