

A-Engrossed
Senate Bill 200

Ordered by the House April 11
Including House Amendments dated April 11

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for State Board of Pharmacy)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Increases maximum amount of civil penalty that may be assessed by State Board of Pharmacy **against drug outlet**. [*Authorizes board to assess costs of disciplinary process against licensee or certificate holder that has been disciplined.*] Establishes continuing jurisdiction of board over licensees and certificate holders.

A BILL FOR AN ACT

1
2 Relating to the disciplinary authority of the State Board of Pharmacy; creating new provisions; and
3 amending ORS 689.445 and 689.832.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 689.445 is amended to read:

6 689.445. (1) Upon the finding of the existence of grounds for discipline of any person holding a
7 license, seeking a license or renewal of a license under the provisions of ORS 435.010 to 435.030,
8 475.125 and 475.135 and this chapter, the State Board of Pharmacy may impose one or more of the
9 following penalties:

10 (a) Suspension of the offender's license for a term to be determined by the board;

11 (b) Revocation of the offender's license;

12 (c) Restriction of the offender's license to prohibit the offender from performing certain acts or
13 from engaging in the practice of pharmacy in a particular manner for a term to be determined by
14 the board;

15 [*(d) Imposition of a civil penalty not to exceed \$1,000 for each offense;*]

16 **(d) A civil penalty not to exceed:**

17 **(A) \$1,000 for each offense committed by an individual; and**

18 **(B) \$10,000 for each offense committed by a drug outlet;**

19 (e) Refusal to renew offender's license; or

20 (f) Placement of the offender on probation and supervision by the board for a period to be de-
21 termined by the board.

22 (2) Any person whose license issued pursuant to this chapter has been suspended, revoked or
23 restricted pursuant to this chapter, whether voluntarily or by action of the board, shall have the
24 right, at reasonable intervals, to petition the board for reinstatement of such license. Such petition
25 shall be made in writing and in the form prescribed by the board. Upon investigation and hearing,
26 the board may in its discretion grant or deny such petition, or it may modify its original finding to

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 reflect any circumstances which have changed sufficiently to warrant such modifications. Pardon
2 and restoration of civil rights to any person formerly licensed by the board does not obligate the
3 board to restore revoked, restricted or suspended licenses.

4 (3) Nothing in this chapter shall be construed as barring criminal prosecutions for violations of
5 ORS 435.010 to 435.130, 453.025, 453.045, 475.035 to 475.190, 475.805, 475.840 to 475.980 and this
6 chapter where such violations are deemed as criminal offenses in other statutes of this state or of
7 the United States.

8 (4) Civil penalties under this section shall be imposed as provided in ORS 183.745.

9 (5) All penalties recovered under ORS 435.010 to 435.130, 453.025, 453.045, 475.035 to 475.190,
10 475.805, 475.840 to 475.980 and this chapter shall be deposited into the State Board of Pharmacy
11 Account established in ORS 689.139.

12 **SECTION 2.** ORS 689.832 is amended to read:

13 689.832. (1) In addition to any other liability or penalty provided by law, the State Board of
14 Pharmacy may impose a civil penalty [*not to exceed \$1,000 for each violation on any person who vi-*
15 *olates any provision of this chapter or ORS chapter 475 or any rule of the board.*] **for any violation**
16 **of the provisions of this chapter or ORS chapter 475 or any rule of the board. A civil penalty**
17 **imposed under this subsection may not exceed \$1,000 for each violation by an individual and**
18 **\$10,000 for each violation by a drug outlet.**

19 (2) All penalties recovered under this section shall be deposited into the State Board of Phar-
20 macy Account established in ORS 689.139.

21 (3) Any civil penalty under this section shall be imposed in the manner provided in ORS 183.745.

22 (4) Notwithstanding ORS 183.745, the person to whom the notice is addressed shall have 10 days
23 from the date of service of the notice in which to make written application for a hearing before the
24 board.

25 **SECTION 3.** Section 4 of this 2007 Act is added to and made a part of ORS chapter 689.

26 **SECTION 4.** The lapse, suspension or revocation of a license or certificate of registration
27 by the operation of law or by order of the State Board of Pharmacy or by the decision of a
28 court of law, or the voluntary surrender of a license by a licensee or of a certificate of reg-
29 istration by the holder of the certificate, does not deprive the board of jurisdiction to proceed
30 with any investigation or any action or disciplinary proceeding against the licensee or cer-
31 tificate holder or revise or render null and void an order of disciplinary action against the
32 licensee or certificate holder.

33