

CHAPTER 1
PURPOSE AND ORGANIZATION
[Prior to 2/10/88, see Pharmacy Examiners[620] Ch 9]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

657—1.1(17A) Board mission. The board of pharmacy promotes, preserves, and protects the public health, safety, and welfare by fostering the provision of pharmaceutical care to all Iowans through the effective regulation of the practice of pharmacy, the operation of pharmacies, the appropriate utilization of pharmacy technicians and pharmacy support persons, the distribution of prescription drugs and devices, and the education and training of pharmacists.

[ARC 8673B, IAB 4/7/10, effective 6/1/10]

657—1.2(17A,147,155A,272C) Description and organization of board. The board is comprised of five pharmacist members, one certified pharmacy technician member, and two representatives of the general public, all appointed by the governor. An administrative staff headed by a public health director-appointed executive director assists board members.

The board's authority for regulating the practice of pharmacy and the legal distribution and dispensing of prescription drugs and devices and of precursor substances in the state of Iowa is found in Iowa Code chapters 124, 124B, 126, 147, 155A, 205, and 272C.

[ARC 3857C, IAB 6/20/18, effective 7/25/18; ARC 4188C, IAB 12/19/18, effective 1/23/19; ARC 5348C, IAB 12/30/20, effective 2/3/21]

657—1.3(17A,272C) Responsibilities. The responsibilities of the board include but are not limited to:

1. Licensing of qualified applicants for the practice of pharmacy, by examination, renewal, and reciprocity under the provisions of Iowa Code chapters 147 and 155A.
2. Administering a continuing education program to ensure continued competency of individuals licensed by the board to practice pharmacy. Authority for this function comes from Iowa Code chapter 272C.
3. Regulating the legal distribution of prescription drugs through the licensing of pharmacies, wholesale distributors, limited distributors, outsourcing facilities, and third-party logistics providers under the authority of Iowa Code chapter 155A.
4. Regulating the legal distribution of controlled substances through the registration of authorized persons and entities engaged in the manufacture and distribution of controlled substances throughout the state under the authority of Iowa Code chapter 124.
5. Registering pharmacist-interns and administering an internship program to prepare individuals for the practice of pharmacy pursuant to the authority of Iowa Code chapter 155A.
6. Registering pharmacy technicians assisting in the technical functions of the practice of pharmacy pursuant to the authority of Iowa Code chapter 155A.
7. Performing compliance investigations and audits of all persons or entities registered pursuant to Iowa Code chapter 124 and compliance inspections and investigations of any persons or entities licensed or registered pursuant to Iowa Code chapter 155A. These investigations and audits are conducted to ensure accountability for all controlled substances and to ensure compliance with laws regulating the practice of pharmacy and the distribution of prescription drugs and devices in Iowa.
8. Regulating the legal distribution of precursor substances through the issuance of permits to vendors and recipients of precursor substances throughout the state under the authority of Iowa Code chapter 124B.
9. Instituting disciplinary actions, hearing contested cases, issuing decisions and orders, and enforcing the terms of disciplinary orders filed against licensees, registrants, or permit holders for grounds provided in Iowa Code sections 124.303, 124.304, 124B.12, 147.55, 155A.6, 155A.6A, 155A.6B, 155A.12, 155A.13, 155A.13A, 155A.15, 155A.17, 155A.17A, and 155A.42 as appropriate.
10. Registering pharmacy support persons assisting in the nontechnical functions of the practice of pharmacy pursuant to the authority of Iowa Code chapter 155A.

11. Registering pharmacists in charge of nonresident pharmacies pursuant to the authority of Iowa Code chapter 155A.

[ARC 8673B, IAB 4/7/10, effective 6/1/10; ARC 4188C, IAB 12/19/18, effective 1/23/19]

657—1.4(17A,272C) Submission of complaints and requests. Members of the general public may obtain information or submit requests or complaints relative to the practice of pharmacy, continuing education for pharmacists, the legal distribution and dispensing of prescription drugs, or any other matters relating to the function and authority of the board. Correspondence should be submitted to the Executive Director, Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688. Communication may also be submitted via the board's website at pharmacy.iowa.gov.

[ARC 4188C, IAB 12/19/18, effective 1/23/19]

657—1.5(17A,21) Meetings. All meetings of the board shall be open and public, and all members of the public shall be permitted to attend any meeting unless Iowa Code section 21.5 or another provision of law authorizes a closed session. Closed session shall only be by affirmative public vote of either two-thirds of the members of the board or all of the members present at the meeting.

1.5(1) Where held. Meetings of the board shall be held in Des Moines, Iowa, except as designated otherwise by the chairperson.

1.5(2) Meeting schedule and public notice. The board shall set the dates of its meetings at the first meeting following May 1 of each fiscal year. Notices of meetings shall be routinely posted in the space set aside for that purpose in the office of the board and on the board's website at pharmacy.iowa.gov. Members of the general public may obtain the dates, times, and locations of board meetings by submitting a request to the Executive Director, Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688, or by accessing the board's website.

1.5(3) Special meetings. Special meetings of the board may be called by the chairperson or upon written request of four of its members.

a. The reason for calling a special meeting shall be recorded in the minutes.

b. Special meetings shall be open to the public except as otherwise provided by statute.

1.5(4) Minutes of meetings. The executive director shall keep a record of all minutes of the board, and these minutes, except as otherwise provided by statute, shall be open to the public for inspection.

1.5(5) Quorum. A majority of the members of the board shall constitute a quorum.

[ARC 4188C, IAB 12/19/18, effective 1/23/19]

657—1.6(124,147,155A) Fee for returned check. A nonrefundable fee of \$20 may be charged for a check returned for any reason. If a license, registration, or permit has been issued by the board based on a check for the payment of fees and the check is later returned by the bank, the board shall request payment by certified check, cashier's check, or money order. If the fees, including the fee for a returned check, are not paid within 15 calendar days of notification of the returned check, the license, registration, or permit is no longer in effect and the status reverts to what it would have been had the license, registration, or permit not been issued. Late payment penalties will be assessed, as provided in board rules, for subsequent requests to renew or reissue the license, registration, or permit.

[ARC 4188C, IAB 12/19/18, effective 1/23/19]

657—1.7(124,124B,147,155A) Overpayment of fees. "Overpayment" refers to the payment of any license, registration, permit, or service fee in excess of the required amount of the fee. Overpayment of \$10 or less received by the board shall not be refunded.

657—1.8(155A) Alternate board members. The board may have a pool of up to seven alternate members, to include individuals who may or may not be licensed to practice under Iowa Code chapter 155A, to substitute for board members unable to participate in a contested case hearing. Utilization of such alternate board members shall be in compliance with Iowa Code section 155A.2A. Whenever there are fewer than seven individuals serving in the pool of alternate board members, the executive director may present to the board for approval a list of individuals eligible to serve in the pool. The board may select individuals to serve as alternate board members, subject to approval by the governor. The term of each alternate board

member shall begin on the first day of the month following approval by the governor and shall last for three years or until the alternate board member resigns, whichever occurs first. An alternate board member may serve no more than nine years as an alternate board member. Upon approval by the governor of an alternate board member, the executive director may select that alternate board member to hear a contested case when a sufficient number of board members are unavailable to hear a contested case for any reason.

[ARC 4188C, IAB 12/19/18, effective 1/23/19]

These rules are intended to implement Iowa Code sections 17A.3, 21.3 through 21.5, 124.301, 124B.11, 147.14, 147.76, 147.96, 155A.2, 155A.2A, 155A.6, 155A.6A, 155A.6B, 155A.11, 155A.13, 155A.13A, 155A.13C, 155A.14, 155A.15, 155A.17, 155A.17A, 155A.42, 272C.3, and 272C.4.

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◊ Two or more ARCs