

481—551.2(124,124B,147,155A,272C) General requirements.

551.2(1) Issuance. The board will issue or renew a license, registration or permit upon receipt of a completed application and determination that the applicant has satisfied the requirements of applicable statutes and any additional criteria specified by these rules. A license or registration is necessary prior to engaging in the authorized activity into, out of, or within this state. A permit is necessary prior to engaging in the authorized activity in this state. Except as provided in these rules, the expiration date for any newly issued license, registration or permit will be extended by one year when the initial license, registration or permit is issued within two months of the standard expiration date.

551.2(2) Board forms. Initial applications, renewal applications, and other forms used for licensure, registration, or other purposes will be on board forms unless specified in these rules.

551.2(3) Fees.

a. Fees are nonrefundable and nontransferable and will be considered a repayment receipt as defined in Iowa Code section 8.2.

b. Fees apply to applications submitted for initial, changed and renewed licenses, registrations or permits or for a criminal history background check, when applicable.

c. A license, registration or permit will be invalidated when the method of payment is returned or rejected.

551.2(4) Fee table.

| License/ Registration | Application Fee | Background Check Fee | Renewal Period | Renewal Fee | Delinquent Renewal Fee | Reactivation Fee |
|--|-----------------|-------------------------|----------------|-------------|---------------------------|------------------|
| Pharmacist | \$180 | \$45 | 2 years | \$180 | \$360 | \$630 |
| Pharmacist- Intern | \$30 | N/A | N/A | N/A | N/A | N/A |
| Technician Trainee | \$20 | N/A | 1 year | \$20 | \$40 | \$80 |
| Certified Pharmacy Technician | \$20 | N/A | 2 years | \$40 | \$80 | \$160 |
| Pharmacy Support Person | \$25 | N/A | 2 years | \$25 | \$50 | \$100 |
| CSA—Individual | \$90 | N/A | 2 years | \$90 | \$180 | \$360 |
| CSA—Business | \$90 | N/A | 2 years | \$90 | \$180 | \$360 |
| Nonresident Pharmacist in Charge | \$75 | N/A | 1 year | \$75 | \$150 | \$300 |
| Pharmacy | \$135 | N/A | 1 year | \$135 | \$270 | \$540 |
| Wholesale Distributor | \$750 | \$45 | 1 year | \$750 | \$1,500 | \$2,000 |
| 3PL Provider | \$750 | \$45 | 1 year | \$750 | \$1,500 | \$2,000 |
| Limited Distributor | \$175 | N/A | 1 year | \$175 | \$350 | \$500 |
| Outsourcing Facility | \$400 | \$45 | 1 year | \$400 | \$800 | \$1,600 |
| Precursor Substances | \$180 | N/A | 1 year | \$180 | \$360 | \$360 |

551.2(5) Criminal history background check. The fee for a criminal history background check is \$45 and, in accordance with Iowa Code section 155A.40, is necessary for:

a. Pharmacists.

b. Outsourcing facility supervising pharmacists, except as provided in subparagraph 551.14(2)“a”(1).

c. Wholesale distributor and 3PL facility managers, except as provided in paragraphs 551.13(3)“a” and 551.16(3)“a.”

551.2(6) *Separate locations.* Each separate business location wherein activities occur that require a license, registration or permit will be separately licensed, registered or permitted.

551.2(7) *Complete applications.* An application is considered complete when all application information and fees are submitted to the board.

551.2(8) *Incomplete applications.* Applications that remain incomplete after six months from the date of initial board receipt will expire, except that applications for pharmacist licensure will expire:

- a. After one year for an application for license transfer.
- b. After two years for an application for license by examination or score transfer.

551.2(9) *Inspections.*

a. Prior to the issuance of a new license, registration or permit for any business that will maintain prescription drugs or for any individual CSA registrant who will maintain controlled substances, an inspection will be required, except as provided for limited distributors pursuant to subrule 551.15(1).

b. Any CSA registrant that does not maintain stocks of controlled substances will provide notice to the board at least 30 days prior to procuring controlled substances, and an inspection will be required prior to storage of controlled substances at the registered location.

551.2(10) *Denial of license, registration or permit.*

a. *Grounds for denial.* The board or authorized delegate may deny the issuance or renewal of a license, registration or permit for:

(1) Any violation of the laws of this state, another state, or the United States by the applicant relating to prescription drugs, controlled substances, or nonprescription drugs or for a violation of any rule of the board.

(2) The receipt of a certificate of noncompliance from child support services of the department of health and human services or the centralized collection unit of the department of revenue.

(3) The furnishing of false or fraudulent information in the application process.

(4) Noncompliance with licensing or practice standards under previously granted licenses, registrations or permits.

(5) Any other factors or qualifications the board considers relevant to and consistent with public health and safety.

b. *Appeal of denial.* An individual whose application is denied may, within 30 days after issuance of the notice of denial, appeal to the board for reconsideration of the application.

551.2(11) *Renewals.* Renewal applications will be submitted to the board in accordance with Iowa Code section 147.10.

551.2(12) *Untimely renewals or change applications.* Any licensee, registrant or permittee that fails to timely apply for renewal or change is provided a 30-day grace period to submit an application. The applicant may continue engaging in the authorized activity while the application is pending. Untimely applications will be subject to a late penalty fee that is equal to the application fee.

551.2(13) *Expired licenses, registrations or permits—reactivation.* Any licensee, registrant or permittee that fails to apply for renewal or change within the 30-day grace period may not engage in the authorized activity until the license, registration or permit is reactivated. An application will be subject to a fee of four times the application fee, except as provided herein.

a. A reactivation fee will not be assessed when the applicant voluntarily canceled the license, registration or permit when the applicant discontinued the authorized activity.

b. The reactivation fee for a wholesale distributor or 3PL provider license is \$2,000.

c. The reactivation fee for a pharmacist license is \$630.

d. The reactivation fee for a limited distributor license is \$500.

e. The reactivation fee for a precursor substances permit is \$360.

551.2(14) *Termination of licenses, registrations or permits.*

a. A business license, registration or permit will terminate when the business ceases to legally exist or discontinues business.

b. An individual license or registration will automatically terminate upon the death of the individual or upon the issuance of a superseding license or registration (e.g., issuance of a pharmacist license will result in the termination of the individual's intern registration).

c. When a license or registration was issued by the board based on an underlying license, certificate or other credential and the underlying license, certificate or credential expires or is suspended or revoked, the board may take action to suspend or revoke the license or registration. Board action will not be taken against a pharmacist license issued by license transfer when the pharmacist's original license upon which license transfer was granted expires.

551.2(15) *Voluntary cancellations.*

a. *Businesses and CSA registrants who stock controlled substances.*

(1) A licensee, registrant or permittee may voluntarily request cancellation via written notice to the board at least 30 days prior to the discontinuation of business. The notice will include the following information: the licensee, registrant or permittee name and address; the license, registration or permit number; the anticipated date of business discontinuation; and, if applicable, the identification of the licensee, registrant or permittee to whom drugs and records will be transferred. A canceled license, registration or permit is not subject to expired status or reactivation requirements.

(2) A business that has dispensed or distributed prescription or nonprescription products in the previous 18 months will provide written notice, which may include electronic communication, to its customers at least 30 days prior to the discontinuation of business that will include the anticipated date of business discontinuation and the identification of the licensee, registrant or permittee to whom the customers' records will be transferred.

b. *Individuals.* An individual licensee or registrant may voluntarily request cancellation via written notice to the board. Except as provided herein for pharmacists, a licensee or registrant who requests voluntary cancellation is not subject to expired status or reactivation requirements. A pharmacist who voluntarily surrenders a license is subject to the reinstatement requirements pursuant to 481—Chapter 506.

551.2(16) *Grounds for discipline.* In addition to the grounds for discipline identified in 481—Chapter 504, the board may take disciplinary action against a license or registration for the following:

a. Distribution of drugs for other than lawful purposes, which includes but is not limited to the distribution of counterfeit drugs and the disposition of drugs in violation of Iowa Code chapters 124, 126, and 155A.

b. Obtaining, diverting, possessing, or attempting to obtain or possess prescription drugs without lawful authority, including but not limited to forging or altering a prescription for personal use or for distribution.

c. Practicing pharmacy, or assisting in the practice of pharmacy, while under the influence of alcohol, illicit substances, or prescription drugs or substances for which the licensee does not have a lawful prescription or while impaired by the use of legitimately prescribed prescription drugs.

d. Noncompliance with a child support order or with a written agreement for payment of child support as evidenced by a certificate of noncompliance issued pursuant to Iowa Code chapter 252J.

551.2(17) *Agency rules adopted by reference.* The board adopts by reference the following agency rules:

a. Military service, veteran reciprocity, and spouses of active-duty service members as found in 481—Chapter 7.

b. Contested cases and informal settlement as found in 481—Chapter 506.

c. Discipline as found in 481—Chapter 504.

d. Licensing and child support noncompliance, student loan repayment noncompliance, and nonpayment of state debt as found in 481—Chapter 8.

e. Use of criminal convictions in eligibility determinations and initial licensing decisions as found in 481—Chapter 502.

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