

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 948*
Committee Substitute Favorable 6/7/16

Short Title: Authorize APO Studies.

(Public)

Sponsors:

Referred to:

April 26, 2016

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE
OVERSIGHT COMMITTEE TO STUDY CERTAIN ISSUES, AS RECOMMENDED BY
THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT
COMMITTEE, AND TO ALLOW THE BOARD OF PHARMACY TO OBTAIN
CRIMINAL RECORD REPORTS FROM APPROVED REPORTING SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Administrative Procedure Oversight Committee
may continue to study issues related to occupational licensing boards. As part of this study, the
Committee may consider any of the following:

- (1) Oversight of occupational licensing boards, generally.
- (2) Oversight of the North Carolina State Bar.
- (3) Disciplinary actions and procedures of occupational licensing boards.

The Committee may report the results of this study, if any, including any legislative
proposals, to the 2017 General Assembly.

SECTION 2. The Joint Legislative Administrative Procedure Oversight Committee
may study whether there are certain categories of contested cases in which the burden of proof
should be placed with the agency. The Committee may report the results of this study, if any,
including any legislative proposals, to the 2017 General Assembly.

SECTION 3. G.S. 90-85.15 reads as rewritten:

"§ 90-85.15. Application and examination for licensure as a pharmacist; prerequisites.

(a) Any person who desires to be licensed as a pharmacist shall file an application with the
Executive Director on the form furnished by the Board, verified under oath, setting forth the
applicant's name, age, the place at which and the time that ~~he~~the applicant has spent in the study
of pharmacy, and ~~his~~the applicant's experience in compounding and dispensing prescriptions
under the supervision of a pharmacist. The applicant shall also appear at a time and place
designated by the Board and submit to an examination as to ~~his~~the applicant's qualifications for
being licensed. The applicant must demonstrate to the Board ~~his~~the applicant's physical and
mental competency to practice pharmacy.

(b) On or after July 1, 1982, all applicants shall have received an undergraduate degree
from a school of pharmacy approved by the Board. Applicants shall be required to have had up to
one year of experience, approved by the Board, under the supervision of a pharmacist and shall
pass the required examination offered by the Board. Upon completing these requirements and
upon paying the required fee, the applicant shall be licensed.

(c) ~~The Department of Public Safety may provide a criminal record check to the Board for
a person who has applied for a license through the Board. The Board shall provide to the~~



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1 Department of Public Safety, along with the request, the fingerprints of the applicant, any
2 additional information required by the Department of Public Safety, and a form signed by the
3 applicant consenting to the check of the criminal record and to the use of the fingerprints and other
4 identifying information required by the State or national repositories. The applicant's fingerprints
5 shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history
6 record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the
7 Federal Bureau of Investigation for a national criminal history check. The Board shall keep all
8 information pursuant to this subsection privileged, in accordance with applicable State law and
9 federal guidelines, and the information shall be confidential and shall not be a public record under
10 Chapter 132 of the General Statutes.

11 The Department of Public Safety may charge each applicant a fee for conducting the checks of
12 eriminal history records authorized by this subsection. The Board may require an applicant to
13 provide the Board with a criminal record report. All applicants shall obtain criminal record reports
14 from one or more reporting services designated by the Board to provide criminal record reports.
15 Applicants are required to pay the designated reporting service for the cost of these reports."

16 **SECTION 4.** This act is effective when it becomes law.