

Miscellaneous Statutes Related to Pharmacy

17-1-103. Registration, certification, and licensing for criminal offenders.

- (a) It is the policy of the State of Arkansas to encourage and contribute to the rehabilitation of criminal offenders and to assist them in the assumption of the responsibilities of citizenship. The public is best protected when offenders are given the opportunity to secure employment in a meaningful trade, occupation, or profession.
- (b) Subject to the provisions of subsection (c) of this section, in determining eligibility under this section, the board, commission, department, or agency may take into consideration conviction of certain crimes which have not been annulled, expunged, or pardoned. However, such convictions shall not operate as an automatic bar to registration, certification, or licensing for any trade, profession, or occupation.
- (c) The following criminal records shall not be used, distributed, or disseminated in connection with an application for a registration, license, or certificate:
 - (1) Records of arrest not followed by a valid felony conviction by the courts;
 - (2) Convictions which have been annulled or expunged or pardoned by the Governor; and
 - (3) Misdemeanor convictions, except misdemeanor sex offenses and misdemeanors involving violence.
- (d) The board, commission, department, or agency shall state explicitly in writing the reasons for a decision which prohibits the applicant from practicing the trade, occupation, or profession if the decision is based in whole or in part on conviction of a felony.
- (e) For the purposes of this section, completion of the following shall be deemed prima facie evidence of sufficient rehabilitation:
 - (1) Probation or parole supervision; and
 - (2) A period of five (5) years after final discharge or release from any term of imprisonment in the state penitentiary without any subsequent conviction.
- (f) Any complaints concerning the violation of this section shall be adjudicated in accordance with the procedure set forth in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., for administrative and judicial review.
- (g) This section shall apply to any board, commission, department, agency, or any other body that deals in licensing or regulating a profession, trade, or occupation in the State of Arkansas.
- (h) It shall be the duty of the Secretary of State to make this section known to any board, commission, department, or agency affected by this section.
- (i) This section shall not apply to teacher licensure or certification, as these areas of licensure or certification are specifically governed by § 6-17-410.

17-80-102. Subpoena power of boards – Enforcement.

- (a)
 - (1) The licensing and disciplining boards of the professions of the healing arts provided in this subtitle shall have the power to issue subpoenas and bring before the board as a witness any person in this state.

- (2) The secretary or the investigative officer of the board shall issue a subpoena upon the request of any party to a proceeding pending before the board or at the request of the board.
 - (3) The writ shall be directed to the sheriff of the county where the witness resides or may be found.
 - (4) The writ may require the witness to bring with him or her any book, writing, or other thing under his or her control which he or she is bound by law to produce in evidence.
 - (5) Service of the writ shall be in the manner as now provided by statute for the service of subpoenas in civil cases.
- (b)
- (1) A witness who has been served by subpoena in the manner provided by law and who shall have been paid or tendered the legal fees for travel and attendance as provided by law shall be obligated to attend for examination of the trial of the cause pending before the board.
 - (2) In the event a witness shall have been served with subpoenas as herein provided and fails to attend the hearing in obedience to the subpoena, the board may apply to the circuit court of the county wherein the board is having its meeting for an order causing the arrest of the witness and directing that the witness be brought before the court.
 - (3) The court shall have the power to punish the disobedient witness for contempt as now provided by law in the trial of civil cases.
 - (4) The disobedient witness shall be liable in damages for nonattendance to the trial or hearing as provided by Rev. Stat., ch 158, § 9 [superseded].

17-80-103. Immunity of board members.

No member of a board, or any individual acting on behalf of the board, of any profession or occupation classified under the laws of the State of Arkansas as a profession of the healing arts shall be liable in damages to any person for slander, libel, defamation of character, breach of any privileged communication, or otherwise for any action taken or recommendation made within the scope of the functions of the board if the board member or the individual acting on behalf of the board acts without malice and in the reasonable belief that the action or recommendation is warranted by the facts known to him or her after a reasonable effort is made to obtain the facts on which the action is taken or the recommendation is made.

17-80-104. Continuing education requirements.

- (a) The regulatory boards of the professions or occupations classified by the laws of the State of Arkansas as professions of the healing arts and for whom the General Assembly has heretofore established regulatory boards empowered to license persons who practice under conditions of licensure authorized by the General Assembly are authorized to adopt regulations requiring the continuing education of the persons licensed by the board.
- (b) All regulations establishing requirements for continuing education under the provisions of this section shall be adopted in the manner and method set out in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., for the adoption of rules and regulations.

- (c) The regulatory boards shall establish by regulation the number of hours of credit and the manner and methods of obtaining the hours of credit by its licensee.
- (d) In the event a licensee of the board does not complete the continuing education established by the board under the provisions of this section, the board is empowered to deny renewal of the license held by the licensee or after proper hearing take such action as it considers just and proper to compel compliance with its regulations requiring continuing education.