

**GIST/ANALYSIS:**

The revision in 535:1-11-1 (16) - (19) add the fees set in statute for Durable Equipment Suppliers (DME) and for combined Medical Gas Distributors and Durable Medical Equipment Suppliers (DME + MGD) to our fee schedule for customer convenience. The fees in 535:1-11-1 (16) - (19) are set in statute and added to our fee schedule for customer convenience.

**CONTACT PERSON:**

Dr. Marty Hendrick, Executive Director, Oklahoma State Board of Pharmacy, 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212, Phone number 405 521-3815

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 1, 2023:**

**SUBCHAPTER 11. FEES**

**535:1-11-1. Annual licenses, permits and renewals**

Annual license, permit and renewal fees, as set by the Board, shall be as follows:

- (1) Pharmacist renewal (active or inactive) - \$100
- (2) Senior inactive pharmacist renewal (age 65 or over, retired) - \$20
- (3) Pharmacy license
  - (A) Retail, hospital, non-resident, and remote medication order processing - \$150
  - (B) Charitable clinic - \$ 75
  - (C) Hospital drug room - \$ 40
- (4) Oklahoma licensed pharmacy emergency medication kit placed in an Oklahoma Facility [59 O.S. 367.8 (C)] remote site - \$50
- (5) Sterile compounding permit - \$ 75
- (6) Drug supplier permit - \$ 20
- (7) Wholesale distributor license - \$200
- (8) Repackager license - \$200
- (9) Manufacturer license - \$200
- (10) Medical gas supplier license - \$100
- (11) Medical gas distributor license - \$200
- (12) Outsourcing facility license - \$200
- (13) Third-party logistics provider license - \$200
- (14) Pharmacy technician permit - \$40
- (15) Duplicate renewal receipt, permit, or practical experience certificate:
  - (A) Duplicate for lost, destroyed or damaged original-\$10
  - (B) Duplicate or multiple location copy - \$10
- (16) Durable Medical Equipment Supplier (DME), New - \$300
- (17) Durable Medical Equipment Supplier (DME), Renewal - \$200
- (18) Durable Medical Equipment Supplier + Medical Gas Distributor (DME+MGD), New - \$600
- (19) Durable Medical Equipment Supplier + Medical Gas Distributor (DME+MGD), Renewal - \$300

*[OAR Docket #23-431; filed 6-6-23]*

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**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY  
CHAPTER 10. PHARMACISTS; AND INTERNS, PRECEPTORS AND TRAINING AREAS**

*[OAR Docket #23-432]*

**RULEMAKING ACTION:**

PERMANENT final adoption

**RULES:**

- Subchapter 3. Pharmacists
- 535:10-3-4. Uniform pharmacy continuing education [AMENDED]
- Subchapter 7. Pharmacist Licensure
- 535:10-7-10. Pharmacist reinstatements [AMENDED]
- Subchapter 11. Pharmacist administration of immunizations
- 535:10-11-3. D.Ph. administering of immunizations, training and CE~~administering of immunization~~ requirements [AMENDED]
- 535:10-11-5. D.Ph. training requirements for administration of immunizations [REVOKED]

**AUTHORITY:**

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.9, 353.11, 353.16A, 353.18, 353.20, 353.22, 353.24 - 353.26, 353.30 and 364; Title 59 O.S. Sec. 6002; and Title 63 O.S. Section 2-312.25.

**SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:**

November 18, 2022

**COMMENT PERIOD:**

December 15, 2022 through January 23, 2023

**PUBLIC HEARING:**

February 1, 2023

**ADOPTION:**

February 1, 2023

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 7, 2023

**LEGISLATIVE APPROVAL:**

Approved May 31, 2023, by SJR 22

**FINAL ADOPTION:**

May 31, 2023

**EFFECTIVE:**

September 1, 2023

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**GIST/ANALYSIS:**

The revisions in 535:10-3-4 update (d) post-graduate school / residency and they add to (f) regarding no job credit for CE. They update (l) for ACPE's name change, they explain that ACPE approved CE is accepted and should not be re-submitted to the Board Continuing Education Committee.

The revisions in 535:10-7.10 regarding pharmacist reinstatement clarify the rule and add process for pharmacists who had immunization permits to reinstate their pharmacist license and immunization permit. They establish a process for pharmacist who do not reinstate their immunization with their pharmacist reinstatement to later add a new immunization later if not done at reinstatement.

The revisions in 535:10-11-3 expand requirements to include training and add "Accredited Council for Pharmacy Education (ACPE)" to pharmacist immunization approved training. They expand the continuing education and require annual CE for immunizing pharmacists.

Section 535:10-11-5 is revoked. Training and CE requirements were simplified and added to 535:10-11-3.

**CONTACT PERSON:**

Dr. Marty Hendrick, 2920 N LINCOLN BLVD STE A, OKLAHOMA CITY OK 73105-4212, (405) 521-3815, pharmacy@pharmacy.ok.gov.

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 1, 2023:**

### SUBCHAPTER 3. PHARMACISTS

#### 535:10-3-4. Uniform pharmacy continuing education

- (a) **Certification.** At the time of annual renewal of registration each pharmacist must certify that he has obtained at least 15 clock hours of continuing education credits through satisfactory completion of an accredited program during the previous calendar year (January 1 -December 31).
- (b) **Verification forms.** Verification forms of attendance and/or completion of continuing education programs shall be obtained and maintained by the pharmacist.
- (c) **Records.** Proof of continuing education will be maintained by the individual pharmacist for a period of two (2) years from renewal date and submitted to the Board only on request.
- (d) **Post-Graduate school/Residency.** Pharmacists in post pharmacy graduate school / residency will be allowed credit for the required fifteen (15) hours of continuing education.
- (e) **Military personnel.** Military personnel will not be exempt from the continuing education requirement because of the availability of correspondence courses, etc.
- (f) **Job credit.** No credit for continuing education will be granted for anything directly connected with the responsibilities and duties of a pharmacist, e. g., no credit will be given for Continuing Education (CE) while on duty, a pharmacist's job:
- (g) **Journals.** No credit will be allowed for reading, subscribing to or writing articles for various professional and trade journals.
- (h) **Meetings.** Requests for approval of credit for individual meetings will be submitted to the Committee on Continuing Education by the individual pharmacist for review and decision.
- (i) **Prior approval.** Prior approval of programs of continuing education shall be obtained by the program sponsor. Each program must be submitted in its entirety, including all materials, in order to be evaluated by the Continuing Education Committee. Continuing education programs sponsored by various drug companies may be acceptable, if the programs are continuing education oriented and not promotional or product oriented.
- (j) **Approved programs notice.** Programs approved for credit by the Continuing Education Committee and the Board will be published on the Board's webpage as these programs are approved.
- (k) **Colleges of pharmacy.** The two State colleges of pharmacy may review the various continuing education programs and make recommendations to the Continuing Education Committee.
- (l) **Accreditation Council for Pharmacy Education**~~American Council on Pharmaceutical Education~~ (ACPE). The Board Continuing Education Committee accepts all ACPE approved continuing education programs (CE) for CE credit. Do not re-submit ACPE CE.
- (m) **Continuing Education Committee.** The Continuing Education Committee will consist of up to six (6) pharmacist members appointed by the Board for a three (3) year minimum term. The committee will meet quarterly or as needed.
- (n) **Live Continuing education recommended.** Pharmacists are encouraged to attain three (3) hours or more of live continuing education (CE) each year as part of the fifteen (15) hours required. Live CE is attained in the presence of other pharmacists with a presenter and the possibility of interaction with a peer group. Webinars are considered live CE if the pharmacist can ask questions and get answers from the presenter(s) or the moderator during the webinar.
- (o) **Specific Continuing Education requirement.** The Board may, at its discretion, require up to three (3) hours of continuing education on a specific topic. Adequate notice shall be provided to registrants of any specific continuing education when required by the Board.

### SUBCHAPTER 7. PHARMACIST LICENSURE

#### 535:10-7-10. Pharmacist reinstatement

- (a) A pharmacist reinstatement applicant shall be an individual who possesses a pharmacist certificate of registration that was cancelled at request or for failure to renew.
  - (1) A pharmacist who possesses a revoked certificate is not eligible for reinstatement.
  - (2) Cancelled pharmacists' records are kept for a limited time. If a pharmacist's record has been destroyed the applicant is not eligible for reinstatement. In this case the applicant shall follow the requirements in 535:10-7 to obtain pharmacist licensure.

section.  
 (c) A pharmacist reinstatement applicant shall send a written request to the Board.  
 (d) Reinstatement applicants shall submit a satisfactory completed Board approved reinstatement application together with the requirements and fees.  
 (e) Applicants may be required to appear before the Board for interview as described in 535:10-7-4 (d).  
 (f) Applicants may be required to take the Board approved law exam as described in 535:10-7-4 (e).  
 (g) The applicant shall meet any additional requirements that the Board feels are necessary to protect public health.  
 (h) Reinstatement will be required when the suspension of a non-current pharmacist's certificate ends or when the suspension is placed on probation.  
 (i) An applicant who had an immunization permit must submit verification of 2 hours of immunization related ACPB Accredited CE with their pharmacist reinstatement application to also reinstate their immunization permit. If not done at reinstatement, a pharmacist may add an immunization permit later by completing a new immunization application.

**SUBCHAPTER II. PHARMACIST ADMINISTRATION OF IMMUNIZATIONS**

**535:10-11-3. D.Ph. administered immunization, training and CE administering of immunization requirements**

(a) A D.Ph. must have completed an approved Accreditation Council for Pharmacy Education (ACPE) training course and received registration for immunizations with the Board as stated in 535:10-11-4 prior to administering immunizations.  
 (b) The Board will maintain a register of those pharmacists who have been approved to administer immunizations.  
 (c) A D.Ph. with immunization registration must maintain ongoing competency through required training, including at a minimum current CPR certification and 1 hour of immunization related ACPB accredited current continuing education annually.

**535:10-11-5. D.Ph. training requirements for administration of immunizations [REVOKED]**

(a) The following is a list of approved pharmacist training programs for administration of immunizations:  
 (1) Programs that include training in immunizations offered by the two state colleges of pharmacy:  
 (A) Southwestern Oklahoma State University (SWOSU) College of Pharmacy  
 (B) University of Oklahoma (OU) College of Pharmacy  
 (2) Immunization programs approved by the Accreditation Council for Pharmacy Education (ACPE):  
 (3) Immunization programs offered by the American Pharmaceutical Association (APHA):  
 (4) Immunization programs offered by the National Community Pharmacy Association (NCPA):  
 (5) Immunization programs offered by the American Society of Health System Pharmacists (ASHP):  
 (b) Each D.Ph. must have successfully completed one of these training courses in immunization prior to registering with the Board or administering immunizations prescribed by an Oklahoma licensed prescribing practitioner:  
 [OAR Docket #23-432, filed 6-6-23]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY  
 CHAPTER 15. PHARMACIES**

[OAR Docket #23-433]

**RULEMAKING ACTION:**  
 PERMANENT final adoption

**RULES:**

- 535:15-3-4. Physical requirements for pharmacies [AMENDED]
- 535:15-3-12. Transfer of prescription refill information [AMENDED]
- 535:15-3-16. Adequate staffing rules for pharmacists and pharmacies [AMENDED]
- 535:15-5-9. Hospital pharmacist physical requirements [AMENDED]
- 535:15-5-9.1. Hospital pharmacy library requirements [NEW]
- 535:15-6-6. Hospital and library requirements [AMENDED]
- 535:15-6-6.1. Hospital drug room library requirements [NEW]
- 535:15-6-7. Drug distribution and control [AMENDED]
- 535:15-6-7. Good Compounding Practices [AMENDED]
- 535:15-10-13. Compounding veterinarian preparations [AMENDED]
- 535:15-10-8-2. Beyond-use dating [AMENDED]
- 535:15-10-15. Compounding of non-sterile radiopharmaceuticals [REVOKED]
- 535:15-10-55. Drug compounding facilities [AMENDED]
- 535:15-10-64.1 Compounding veterinarian sterile preparations [AMENDED]
- 535:15-10-66. Compounding of sterile radiopharmaceuticals [REVOKED]
- 535:15-13-4. Pharmacy technician qualifications and training [AMENDED]
- 535:15-13-6.1. Technician rules for administering immunizations [NEW]
- 535:15-13-15. Technician reinstatement requirements [NEW]
- 535:15-17-11. Supervision of licensed pharmacy technicians in a licensed nuclear pharmacy [NEW]

535:15-17-5. General requirements [AMENDED]

## Mary Terral

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**From:** Cheryl Nolin  
**Sent:** Tuesday, August 8, 2023 9:25 AM  
**To:** Bryan Cleveland; Nat Barrack; Sherry Killian; John W. Maile; Travis Couch; Audrey Talley; Katherine Smith; Michelle Bouziden; Joshua Smith; Eric Ashmore; Stephanie Miller; Alexandra Edwards; Luis Estrada; Marcia Johnson; Keli Cain; Shimeka Mack; Thomas Grossnicklaus; Brent Kisling; Jennifer Gambrell; Rachel Rogers; Beavers, 330 Darrell; Danette Carr; Holli Kyker; Ashley Crall; Katy Feaver; Miller, Melissa; Sandra Ellis; Ginger Dean; Mary Terral; Janie Thompson; Kami Fullingim; Kimberly Dammen; Preston Lay; Chris Turner; Tina A. Calloway; Stephanie D. Roe; Gerri Kavanaugh; Melanie Hall; Lisa Haws; Christy Caesar; Phyllis Bennett; Sara Gibson; Chrystal Krittenbrink; Rhonda Hurst; Lauren Hammonds Johnson; Alexander Watkins  
**Subject:** Proof of Publication in July 3, July 17 and August 1, 2023 issues of the Oklahoma Register

Please use the link below to access July 3, July 17 and August 1, 2023 issues of the Oklahoma Register (Volume 40, Issues number 20, 21 and 22)

<https://rules.ok.gov/register>

This will serve as confirmation for your records that the documents you filed with our office have now been published in the Oklahoma Register.

Please contact our office if you have any questions.

Thank you.



**Cheryl Nolin**  
**Filing Specialist III**  
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# The Oklahoma Register

Volume 40

Number 22

August 1, 2023

Pages 813 - 1478

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Oklahoma  
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*THE OKLAHOMA REGISTER* is an official publication of the State of Oklahoma. It is published semi-monthly on the first working day of the month and on the first working day following the 14th day of the month under the authority of 75 O.S., Sections 250 et seq. and OAC 655:10-15-1. The rules of the State of Oklahoma are codified and published in the *Oklahoma Administrative Code*.

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**SUBSCRIPTION RATES** for the *Register* are \$500.00 per year for the printed issues and \$300.00 per year for the CD-ROM issues, payable in advance. When available, individual printed issues may be purchased for \$20.00 plus the cost of postage, payable in advance. Make checks payable to "Secretary of State." Send subscription requests, change of address notices, and undelivered copies to: Secretary of State, Office of Administrative Rules, 421 NW 13th Street, Suite 210, Oklahoma City, OK 73103.

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by phone at (405) 521-4911. Information may also be obtained by visiting the OAR's office, located in Suite 220, Colcord Center, 421 NW 13th Street, Oklahoma City, between 8:00 a.m. and 5:00 p.m., Monday through Friday.

This publication is issued and printed by the Secretary of State as authorized by 75 O.S., Section 255. 27 copies have been prepared and distributed at a cost of \$655.90. Copies have been deposited with the Oklahoma Department of Libraries, Publications Clearinghouse.

ISSN 0030-1728

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