

Policy Name: DELEGATED AUTHORITY TO THE EXECUTIVE DIRECTOR
Adoption Date: 10/28/2009 **Revision Date:** 12/23/2022 **Review Date:** 12/15/22
Purpose: To clarify what authority the board delegates to its Executive Director in an effort to resolve cases efficiently.

Board Authorized Delegated Authority and Corrective Action Plan Guidance

PHARMACISTS					
Code	Violation	Authority	Corrective Action Plan (not reported)	Delegated Authority (reported)	Other
DA P1	1st criminal or alcohol-related offense (i.e. DUI)				No action; unless in violation of Rule 104 (Unprofessional Conduct)
CAP P8	Failure to complete continuing education requirements	5-under warning letter 6-10 CAP, double CEs and \$50 per credit 11+ CAP, double CEs and \$100 per credit	If first offense	Repeat offenders will escalate 1 level up; 10+ Repeat Offenders, Stipulation, double CEs, \$300 per credit; Those who do not return and complete their CAP w/in the 60 day deadline will go to Stipulation; Those who do not respond to the original notice w/in 60 days of the deadline will go straight to complaint and possible hearing	Hearing will be handled like traffic court
CAP P10	Failure to counsel	\$500 fine	First offense		
DA P10	Failure to counsel	Process improvement and/or fine.		Repeat offense	
	Expungement	in accordance with 67-9413 subsection 3		expunge the record	
TECHNICIANS					
Code	Violation	Authority	Corrective Action Plan (not reported)	Delegated Authority (reported)	Other
DA T1	1st criminal or alcohol-related offense (i.e. DUI)				No action; unless in violation of Rule 104 (Unprofessional Conduct)
DA T4	Failure to renew technician registration	Fees + \$35 fine per week after expiration		Worked once notified /continued work >30 days regardless	
DA T5	Performing functions that are outside of the technician's scope of practice	\$200 fine		Minor/first offense	
DA T7	National Certification lapsed beyond 30 day warning period	\$100 fine + cancelled registration		Reported	
DA T8	No diploma or GED	Can issue technician registration in the absence of criminal record.			

FACILITIES					
Code	Violation	Authority	Corrective Action Plan (not reported)	Delegated Authority (reported)	Other
DA F4	Out-of-state facility without current inspection from their state Board of Pharmacy	Can issue a license/registration if proof is provided of a scheduled inspection in following 6 months; Can cancel a license/registration if proof of an inspection not received within those 6 months			
PRACTITIONER CS REGISTRANTS					
Code	Violation	Authority	Corrective Action Plan (not reported)	Delegated Authority (reported)	Other
DA CS1	Orders mirroring an order from another licensing board per statute 37-2718(g)	Executive director may mirror			
DA CS2	Reinstatement of revoked controlled substance registration based on mirroring order	Executive director may mirror			
DA CS3	Amend a mirroring order of a non-public Board of Medicine order that is itself amended.	Executive director may mirror			
DA CS4	Issue orders mirroring an order from a federal agency	Executive director may mirror			
CAP CS12	Prescribing on an expired CS license		1. Less than 25 prescriptions- Warning Letter 2. 26-100 prescriptions- CAP w/ 1000.00 fine 3. 101-200 prescriptions- CAP w/2000.00 fine	4. more than 200 prescriptions- S & O	
DA CS5	Continuing to prescribe after receipt of investigating letter		1. Less than 25 prescriptions- Warning Letter 2. 26-50 prescriptions-CAP w/ 2000.00 fine	3. More than 50 prescriptions- S & O	
GENERAL REASONS					
Code	Violation	Authority	Corrective Action Plan (not reported)	Delegated Authority (reported)	Other
DA GA1	Use Board seal on educational materials	Executive director must approve final document(s)			
DA GA2	Assign cases to hearing officers as necessary	Executive director may execute			
DA GA3	Deactivate user account based on inappropriate use of PDMP system	Staff may deactivate accounts for cause			
DA GA4	Complaint process	Staff may continue processing complaints per policy			
DA GA5	Upon notification from Pharmacy Recovery Network (PRN) Facilitator, the Executive Director may issue a warning letter to a PRN participant who is out of compliance with the plan developed by the Facilitator, pursuant to a Board order.	Executive director may execute			
DA GA6	In the event that a licensee or registrant fails to maintain regulatory requirements the Executive Director may cancel the Board of Pharmacy's required registration.	Executive director may execute			
DA GA7	Assess additional fine for failure to pay an assessed fine.	\$2000 for facility; \$500 for person			
CAP GA13	Failure to provide the Board office with required notifications	\$50 fine for first offense; \$100 fine for second offense			
DA GA14	Providing false information to the Board on a license application	\$250 fine to technicians; \$500 fine for all others		Any occurrence	
CAP GA15	Failure to maintain recordkeeping for controlled substances	\$250 fine per occurrence	First offense/minor		
DA GA15	Failure to maintain recordkeeping for controlled substances	\$250 fine per occurrence		If repeat offense or complicating factors present	
CAP GA16	By request of respondent, extend time of fine payments up to 180 days from the date a fine was imposed	Executive director may execute			

DA GA17	Revocation based on voluntary surrender of a license or registration	Executive director may execute		Reported	
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