



Application For Permit To Dispense Drugs
Arkansas State Medical Board

1401 West Capitol, Suite 340, Little Rock, AR 72201 501-296-1802 501-296-1805 Fax
www.armedicalboard.org

Name \_\_\_\_\_

License Number \_\_\_\_\_

Drugs you wish to dispense:

Legend: \_\_\_\_\_

Controlled Substances: \_\_\_\_\_

Reasons why you wish to dispense drugs: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Location of nearest two (2) drug stores: \_\_\_\_\_

Approximate miles from your office: \_\_\_\_\_

This is to certify that I have read Act 515 and agree to personally fill, label, and dispense all drugs dispensed by me, and that I am subject to routine inspections at all times by an inspector or representative of the Arkansas State Medical Board.

Note: Sample drugs are not included under Act 515.

Affidavit of Applicant

State of \_\_\_\_\_

} §§.

County of \_\_\_\_\_

\_\_\_\_\_, M.D. of \_\_\_\_\_

being duly sworn says that he is the person referred to in the above application for a permit to dispense drugs in the State of Arkansas; and that each of the statements herein contained is true in every respect.

\_\_\_\_\_  
Legibly Print or Type Name of Applicant

\_\_\_\_\_  
Signature of applicant (physician)

Sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

My commission expires \_\_\_\_\_, 20\_\_\_\_

NOTARY SEAL

Notary Signature

## **REGULATION NO. 12**

1. Pursuant to other provisions of Act 515 of 1983 any physician licensed to practice medicine in the state of Arkansas who is a “dispensing physician” as defined by Act 515 of 1983 shall comply with all provisions of the Act and shall register with the Arkansas State Medical Board on a form provided by it for that purpose.
2. Any physician desiring to dispense legend drugs, who is not exempt by the terms of Act 515 of 1983 from the requirement of prior approval of the Arkansas State Medical Board shall apply to the Board on a form provided for it for that purpose and shall be required to demonstrate the need for such dispensing of legend drugs prior to receiving approval.
3. All records maintained by a dispensing physician pursuant to the requirements of Act 515 of 1983 shall be subject to inspection by a designated inspector of the Arkansas State Medical Board and at its direction during all regular business hours.
4. Violation of the provision of Act 515 of 1983 or violations of these regulations shall constitute “unprofessional conduct” and shall subject the violator to disciplinary action as provided by Ark. Code Ann. 17-93-409.

History: Adopted June 16, 1983

### **17-95-102. Legend drugs.**

- (a) A dispensing physician is a physician licensed under the Arkansas Medical Practices Act, Sec. 17-95-201 et seq., who purchases legend drugs to be dispensed to his or her patients for the patients’ personal use and administration outside the physician’s office.
- (b) This section shall not apply to physicians who only dispense drugs in injectable form unless they are controlled substances, in which case the section shall fully apply.
- (c) The dispensing physician shall:
  - (1) Personally dispense legend drugs and the dispensing of such drugs may not be delegated;
  - (2) Keep records of all receipts and distributions of legend drugs. The records shall be subject to inspection by the proper enforcement authority and shall be readily accessible for inspection and maintained in a central registry;
  - (3) Label legend drugs with the following information: patient’s name and address; prescribing physician’s address and narcotic registry number issued by the Drug Enforcement Administration of the United States Department of Justice; date of dispensing; directions and cautionary statements, if any, as required by law.
- (d) No physician licensed under the Arkansas Medical Practices Act, Sec. 17-95-201 et seq., shall dispense legend drugs without prior approval by the Arkansas State Medical Board after application to the board and on the showing of need. Licensed physicians who were dispensing in the ordinary course of their practice for the twelve (12) months immediately prior to July 4, 1983, shall be exempt from the requirements of this subsection.
- (a) The Arkansas State Medical Board shall enforce the provisions of this section and is authorized and directed to adopt regulations to carry out its purpose.

History. Acts 1983, No. 515, §§ 1-4; A.S. A. 1947, §§ 72-638 – 72-641; Acts 1987, No. 190, § 1.

**17-95-409. Denial, suspension, or revocation - Grounds.**

- (a) (1) The board may revoke an existing license, impose penalties as listed in § 17-95-410, or refuse to issue a license in the event the holder or applicant, as the case may be, has committed any of the acts or offenses defined in this section to be unprofessional conduct.
- (2) The words “unprofessional conduct”, as used in Sub-chapters 2-4 of this chapter, are declared to mean:
  - (A) (i) Conviction of any crime involving moral turpitude or conviction of a felony.
  - (ii) The judgment of any such conviction, unless pending upon appeal, shall be conclusive evidence of unprofessional conduct;
  - (B) Resorting to fraud, misrepresentation, or deception in applying for or securing a license to practice medicine or in taking the examination for the license, or in seeking a renewal of a license;
  - (C) Aiding or abetting an unlicensed person to practice medicine;
  - (D) Procuring or aiding or abetting in procuring a wrongful and criminal abortion;
  - (E) Violation of the laws of the United States or the State of Arkansas regulating the possession, distribution, or use of narcotic or controlled drugs classed in schedules 1-5 of the Controlled Substances Act of 1970 or the Uniform Controlled Substances Act, Sec. 5-64-101 et seq., including any amendments thereto;
  - (F) Habitual indulgence in the use of alcohol to such an extent as to render himself incapable of exercising that degree of skill and judgment in the treatment of his patients which the moral trust and confidence in him demands;
  - (G) Grossly negligent or ignorant malpractice;
  - (H) Habitual, intemperate, or excessive use of narcotics or of any other habit-forming drugs;
  - (I) Representing to a patient that a manifestly incurable condition of sickness, disease, or injury can be permanently cured;
  - (J) Becoming physically or mentally incompetent to practice medicine to such an extent as to endanger the public;
  - (K) Insanity or mental disease, if evidenced by an adjudication or by voluntary commitment to an institution for treatment of a mental disease or as determined by an examination conducted by three (3) impartial psychiatrists retained by the board;
  - (L) (i) Soliciting for patronage;
  - (ii) Advertising for patronage in a false, fraudulent, deceptive, or misleading manner;
  - (iii) Advertising the quality of medical services; or
  - (iv) Advertising illegal procedures and practices;
  - (M) Offering, undertaking, attempting, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine or representing, directly or indirectly, that he can treat, operate on, or prescribe for any human condition by a method, means, or procedure which he refuses to divulge upon demand to the Arkansas State Medical Board;
  - (N) The willful betraying of a professional secret; and
  - (O) Persistent, flagrant over-charging or over-treating of patients;
  - (P) Violating a regulation of the board; and
  - (Q) Violating a term of probation or an order previously imposed by the board.
- (b) (1) (A) The board shall suspend an existing license in the event the holder breached a contract to practice medicine in a rural community that was entered into under the provisions of Sec. 6-81-701 et seq.
- (B) The suspension shall be for a period of years equivalent to the number of years that the recipient is obligated to practice medicine in a rural area, and the suspension shall continue until the loan, with interest thereon, is paid in full.
- (2) Upon notification from the Dean of the College of Medicine of the University of Arkansas for Medical Sciences and the Director of the Health Department that exigent circumstances warrant a waiver of the suspension, the board shall reinstate the holder's license.

History. Acts 2001, No. 464, § 5