

128-016.02C Refusal to Renew: The Department may refuse renewal of a mail service pharmacy license that fails to meet the requirements for renewal, including:

1. Violation of any of the provisions of the Mail Service Pharmacy Licensure Act, or 172 NAC 128-016.

128-016.03 Reinstatement from Lapsed Status: A pharmacy requesting reinstatement of its lapsed license must submit to the Department an application for reinstatement and pay the required license fee pursuant to 172 NAC 128-017.17. The application must conform to the requirements pursuant to 172 NAC 128-016.01.

128-016.03A Refusal to Reinstatement: The Department may refuse reinstatement of a pharmacy license that fails to meet the requirements for reinstatement, including:

1. Violations of any of the provisions of the Mail Service Pharmacy Licensure Act, 172 NAC 128-016.

128-017 SCHEDULE OF FEES: The following fees have been set by the Department:

128-017.01 Initial License by Examination or Score Transfer Fee: By an applicant for a license to practice pharmacy, the fee of \$75 and the Licensee Assistance Program fee of \$1 for each year remaining during the current biennial renewal period.

128-017.02 Proration of Initial License by Examination or Score Transfer Fee: For issuance of a license that will expire within 180 days after its initial issuance date, a fee of \$25 and the Licensee Assistance Program fee of \$1.

128-017.03 Initial License by Reciprocity Fee: By an applicant for a license to practice pharmacy, the fee of \$75 and the Licensee Assistance Program fee of \$1 for each year remaining during the current biennial renewal period.

128-017.04 Proration of Initial License by Reciprocity Fee: For issuance of a license that will expire within 180 days after its initial issuance date, a fee of \$25 and the Licensee Assistance Program fee of \$1.

128-017.05 Pharmacist License Renewal Fee: By an applicant for renewal on a biennial basis of a license to practice pharmacy, the fee of \$75 and the Licensee Assistance Program fee of \$2.

128-017.06 Inactive License Status Fee: By an applicant to have his/her credential placed on inactive status, the fee of \$25.

128-017.07 Renewal Late Fee: By an applicant for renewal on a biennial basis of credential, who fails to pay the renewal fee on or before the expiration date of his/her credential, the fee of \$25 in addition to the renewal fee.

128-017.08 Certification of License Fee: For issuance of a certification of a credential, the fee of \$25. The certification includes information regarding:

1. The basis on which a credential was issued;
2. The date of issuance;
3. Whether disciplinary action has been taken against the credential; and
4. The current status of the credential.

128-017.09 Verification of License Fee: For issuance of a verification of a credential, the fee of \$5. The verification includes written confirmation as to whether a credential was valid at the time the request was made.

128-017.010 Duplicate License Fee: For a duplicate of original license document or reissued license, the fee of \$10.

128-017.011 Administrative Fee: For a denied credential or a withdrawn application, the administrative fee of \$25 will be retained by the Department, except if the credentialing fee is less than \$25, the fee will be forfeited and an examination fee will not be returned.

128-017.12 Reinstatement Late Fee: For reinstatement of a credential for failure to meet renewal requirements:

1. Within one year of revocation, the fee of \$35 in addition to the renewal fee.
2. After one year of revocation, the fee of \$75 in addition to the renewal fee.

128-017.13 Reinstatement Fee: For reinstatement of a pharmacist credential following suspension, limitation, or revocation for disciplinary reasons, the fee of \$75.

128-017.14 Fee for Temporary Educational Permit: By a recipient of a temporary educational permit, the annual fee of \$50.

128-017.15 Fee for Pharmacist Intern Registration: For each registration as a pharmacist intern, the fee of \$50.

128-017.16 Initial License Fee for a Mail Service Pharmacy: For each license for a mail service pharmacy, the fee of \$255.

128-017.17 Mail Service Pharmacy License Renewal Fee: By an applicant for a renewal on an annual basis of a mail service pharmacy license, the fee of \$255.00.

128-017.18 Initial Registration Fee for Pharmacy Technician: By an applicant for a registration as a pharmacy technician, the fee of ~~\$73~~ \$25 and the Licensee Assistance Program fee of \$1 for each year remaining during the current biennial renewal period.

128-017.19 Proration of Initial Registration Fee for Pharmacy Technician: For issuance of a registration that will expire within 180 days after its initial issuance date, a fee of ~~\$18.25~~ \$25 and the Licensee Assistance Program fee of \$1.

128-017.20 Pharmacy Technician Registration Renewal Fee: By an applicant for renewal on a biennial basis of a registration as a pharmacy technician, the fee of ~~\$73~~ \$25 and the Licensee Assistance Program fee of \$2.

128-018 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists that a person or entity practices without a credential. Practice without a credential for the purpose of this regulation means practice:

1. Prior to the issuance of a credential;
2. Following the expiration of a credential; or
3. Prior to the reinstatement of a credential.

128-018.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without a credential:

1. The person admits to engaging in practice;
2. Staffing records or other reports from the employer of the person indicate that the person was engaged in practice;
3. Billing or payment records document the provision of service, care, or treatment by the person;
4. Service, care, treatment records document the provision of service, care, or treatment by the person;
5. Appointment records indicate that the person was engaged in practice; and
6. The person or entity opens a business or practice site and announces or advertises that the business or site is open to provide service, care, or treatment.

For purposes of this regulation prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.

128-018.02 Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a credential. To assess such penalty, the Department will:

1. Provide written notice of the assessment to the person. The notice must specify:
 - a. The total amount of the administrative penalty;
 - b. The evidence on which the administrative penalty is based;
 - c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;
 - d. That the Department will within 30 days following receipt of payment of the administrative penalty, transmit the penalty to the State Treasurer for credit to the Permanent School Fund; and
 - e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or

sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property.

2. Send by certified mail, a written notice of the administrative penalty to the last known address of the person to whom the penalty is assessed.

128-018.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920 and the Department's rules and regulations adopted pursuant to these statutes.