

Repealed 5/12/2015

58-83-304 Existing written agreements for online prescribing -- Pending applications.

- (1)
 - (a) Subject to the provisions of this section, and until December 31, 2010, an entity or individual not licensed by the division to engage in the delivery of online pharmaceutical services under this chapter may nevertheless engage in the delivery of online pharmaceutical services if permitted by the division to do so prior to December 31, 2009, under either:
 - (i) a non-disciplinary stipulation and consent order with the division; or
 - (ii) a letter agreement with the division.
 - (b) An entity or individual subject to Subsection (1)(a) shall only be permitted to engage in the delivery of online pharmaceutical services after December 31, 2010, if, on or before that date, it has obtained a license in accordance with the provisions of this chapter.
- (2) An entity or individual engaged in the delivery of online pharmaceutical services under the provisions of Subsection (1), may continue to operate in accordance with the terms and conditions of the written consent or agreement subject to the following:
 - (a) On or before June 1, 2010, the entity or individual shall file an application with the division in accordance with this chapter for:
 - (i) an online prescriber license;
 - (ii) an online contract pharmacy license; or
 - (iii) an Internet facilitator license.
 - (b) After the application for a license under this chapter is filed in accordance with Subsection (2)(a), the applicant may continue to operate under the terms and conditions of the written consent agreement under Subsection (1)(a) until the division has issued its decision on the application.
 - (c) If the application is approved and a license is issued, the licensee:
 - (i) shall operate under the terms of the license under this chapter; and
 - (ii) may not operate under the terms and conditions of the prior written consent or agreement of the division.
 - (d) If the application for license under this chapter is denied, the applicant may not operate under the prior written consent or agreement with the division after the date the application for a license under this chapter is denied by the division.
- (3)
 - (a) The following provisions apply to any application for authorization to engage in the delivery of online pharmaceutical services that was pending with the division on the effective date of this chapter:
 - (i) the applicant shall:
 - (A) no later than June 30, 2010, provide supplemental documentation to the division to correct any deficiency in the application; and
 - (B) notify the division in writing that the application is ready to be acted upon by the division;or
 - (ii) the applicant may rely upon the existing application submitted to the division without any supplementation under Subsection (1)(a)(i), if the applicant notifies the division in writing that the application is ready to be acted upon by the division.
 - (b) The division shall not, prior to June 30, 2010, act on an application pending with the division on the effective date of this chapter unless the division prior to June 30, 2010, receives a notification from the applicant that the application is ready to be acted upon by the division.