

(III) PROVIDE THE PERMIT HOLDER OR AUTHORIZED PRESCRIBER WITH AN OPPORTUNITY PRIOR TO IMPOUNDMENT TO REVIEW THE NATURE, TYPE, AND AMOUNT OF INFORMATION UPON WHICH THE DEPARTMENT ISSUED THE IMPOUNDMENT ORDER; AND

(IV) PROVIDE THE PERMIT HOLDER OR AUTHORIZED PRESCRIBER WITH AN OPPORTUNITY TO AVOID IMPOUNDMENT BY PROVIDING THE DEPARTMENT WITH INFORMATION UPON WHICH THE DEPARTMENT COULD REASONABLY CONCLUDE THAT THE IMPOUNDMENT IS NOT WARRANTED.

(2) IF DRUGS POSE AN IMMINENT THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE, OR IF THE CONFIDENTIALITY OF PRESCRIPTION RECORDS ARE IN IMMINENT DANGER OF BEING COMPROMISED, THE DEPARTMENT MAY:

(I) ISSUE AN IMPOUNDMENT ORDER; AND

(II) IMMEDIATELY IMPOUND DRUGS OR PRESCRIPTION RECORDS WITHOUT PRIOR NOTICE TO THE PERMIT HOLDER OR AUTHORIZED PRESCRIBER

(D) AN ORDER OF IMPOUNDMENT CONSTITUTES A FINAL ORDER SUBJECT TO JUDICIAL REVIEW UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT.

(E) THE DEPARTMENT SHALL PROVIDE THE PERMIT HOLDER OR AUTHORIZED PRESCRIBER WITH A LIST OF ALL DRUGS AND PRESCRIPTION RECORDS IMPOUNDED.

(F) THE DEPARTMENT MAY CHARGE REASONABLE FEES TO RECOVER THE COSTS OF THE COLLECTION, STORAGE, AND DISPOSITION OF DRUGS OR PRESCRIPTION RECORDS.

(G) THE DEPARTMENT SHALL ADOPT REGULATIONS GOVERNING THE DISPOSITION OF IMPOUNDED DRUGS AND PRESCRIPTION RECORDS.

(H) PRIOR TO ISSUING AN ORDER OF IMPOUNDMENT, THE DEPARTMENT, WITH THE APPROVAL OF THE BOARD OF PHARMACY, SHALL DEVELOP REGULATIONS CONCERNING:

(1) THE NATURE, TYPE, AND AMOUNT OF INFORMATION UPON WHICH THE DEPARTMENT MAY RELY TO ISSUE AN ORDER OF IMPOUNDMENT;

(2) THE LEVEL OF INVESTIGATION THE DEPARTMENT MUST PURSUE TO VERIFY THE INFORMATION UPON WHICH THE ORDER OF IMPOUNDMENT WAS BASED UNDER SUBSECTION (B)(1)(IV) OR (V) OR (C)(2) OF THIS SECTION; AND

(3) THE MEASURES THE DEPARTMENT MUST PURSUE TO ATTEMPT SERVICE ON THE PERMIT HOLDER OR AUTHORIZED PRESCRIBER PRIOR TO IMPOUNDMENT UNDER SUBSECTION (B) OF THIS SECTION.

~~(H)~~ (I) PRIOR TO DESTROYING OR TRANSFERRING IMPOUNDED DRUGS OR PRESCRIPTION RECORDS, THE DEPARTMENT SHALL PUBLISH A NOTICE FOR 2 CONSECUTIVE WEEKS IN A DAILY NEWSPAPER THAT IS CIRCULATED LOCALLY: