

TOC required

201.100 Arkansas Medicaid Participation Requirements for Prescribing Pharmacists and for Pharmacies Administering Vaccines**2-1-2016-1-22**

The Arkansas Medicaid Program will allow pharmacists to enroll individually as atypical providers to prescribe and administer specified drugs and test and screen for certain health conditions, per current allowable protocols. Pharmacists are not billing providers, but they may be rendering providers on medical claims. Pharmacists will be allowed as prescribing providers on pharmacy claims for drugs identified in current protocol.

The Arkansas Medicaid Program will reimburse pharmacies the cost and administration fee for selected vaccines and immunizations for Medicaid ~~beneficiaries clients seven (7)~~three (3) years of age ~~to eighteen (18) years of age under a general written~~and older under current protocol and written consent of the parent or legal guardian of the minor. ~~Consent must be obtained before the administration of the vaccine or immunization. Written protocol and consent must be retained and is subject to reporting requirements. The Arkansas Medicaid Program will continue to reimburse pharmacies the cost and administration fee of selected vaccines for Medicaid beneficiaries nineteen (19) years of age and older.~~ For a complete list of covered vaccines and CMS-1500 billing instructions, please refer to the [CMS-1500 Claim Form Billing Instructions](#).

The Arkansas Medicaid Program will reimburse pharmacies the administration fee for selected vaccines that are obtained through the Vaccine for Children Program (VFC) or ARKids-B SCHIP Vaccine Program. ~~Please refer to section 292.950 of the Physician manual for VFC vaccines billing procedures and section 262.430 for ARKids-B SCHIP vaccine. All Arkansas State Board of Pharmacy laws and regulations will apply.~~

To be eligible for participation, the pharmacy must meet the following criteria, in addition to those specified in Section 201.000:

- A. Complete Section III, Item 22, of the enrollment application ([view or print Provider Enrollment application material](#)) if the pharmacist is certified to administer the influenza virus and pneumococcal polysaccharide vaccines; and
- B. Pharmacies must be enrolled in the Title XVIII (Medicare) Program to administer the vaccines.

Refer to Section 210.100 for scope of coverage; Section 213.000 for benefit limits.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM
STATE ~~OF~~ ARKANSAS

ATTACHMENT 3.1-A
Page 3b

AMOUNT, DURATION AND SCOPE OF
SERVICES PROVIDED
~~—2022~~

Revised: ~~December-June 1, 2001~~

CATEGORICALLY NEEDY

6. Medical Care and any other type of remedial care recognized under State law, furnished by licensed practitioners within the scope of their practice as defined by State law. (Continued)

6.d. Other Practitioners' Services (Continued)

(5) Psychologists

Refer to Attachment 3.1-A, Item 4.b. (13).

(6) Obstetric - Gynecologic and **Gerontological** Nurse Practitioner

Refer to Attachment 3.1-A, Item 24 for coverage limitations.

(7) Pharmacists

Pharmacists may enroll individually as atypical providers to prescribe and administer specified drugs and test and screen for certain health conditions, per current allowable protocols. Pharmacists are not billing providers, but they may be rendering providers on medical claims. Pharmacists will be allowed as prescribing providers on pharmacy claims for drugs identified in current protocol.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM
STATE ~~OF~~ ARKANSAS

ATTACHMENT 3.1-B
Page 3d

AMOUNT, DURATION, AND SCOPE OF
SERVICES PROVIDED
~~—2022~~

Revised: ~~December-June 1, 2001~~

MEDICALLY NEEDY

6. Medical care and any other type of remedial care recognized under State law, furnished by licensed practitioners within the scope of their practice as defined by State law. (Continued)

6.d. Other Practitioners' Services (Continued)

(5) Psychologists

Refer to Attachment 3.1-A, Item 4.b.(13).

(6) Obstetric - Gynecologic and **Gerontological** Nurse Practitioner

Refer to Attachment 3.1-B, Item 21 for coverage limitations.

(7) Pharmacists

Pharmacists may enroll individually as atypical providers to prescribe and administer specified drugs and test and screen for certain health conditions, per current allowable protocols. Pharmacists are not billing providers, but they may be rendering providers on medical claims. Pharmacists will be allowed as prescribing providers on pharmacy claims for drugs identified in current protocol.

State of Arkansas

As Engrossed: H2/25/21 H3/8/21

93rd General Assembly

A Bill

Regular Session, 2021

HOUSE BILL 1134

By: Representative Boyd

By: Senator Gilmore

For An Act To Be Entitled

AN ACT TO AMEND THE DEFINITION OF "PRACTICE OF
PHARMACY" TO ALLOW PHARMACISTS TO PRESCRIBE,
ADMINISTER, DELIVER, DISTRIBUTE, OR DISPENSE
VACCINES, IMMUNIZATIONS, AND MEDICATIONS TO TREAT
ADVERSE REACTIONS TO ADMINISTERED VACCINES OR
IMMUNIZATIONS TO A PERSON WHO IS THREE (3) YEARS OF
AGE OR OLDER; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW PHARMACISTS TO PRESCRIBE,
ADMINISTER, DELIVER, DISTRIBUTE, OR
DISPENSE VACCINES, IMMUNIZATIONS, AND
MEDICATIONS TO TREAT ADVERSE REACTIONS TO
ADMINISTERED VACCINES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-92-101(17)(A)(i), concerning the
definition of "practice of pharmacy", is amended to read as follows:

(i)(a) Dispensing, selling, distributing,
transferring possession of, vending, bartering, or, in accordance with rules
adopted by the Arkansas State Board of Pharmacy, administering drugs,
medicines, poisons, or chemicals that under the laws of the United States or
the State of Arkansas may be sold or dispensed only on the prescription and
order of a practitioner authorized by law to prescribe drugs, medicines,
poisons, or chemicals.



1 (b) Except as limited by rules adopted by the
2 Arkansas State Board of Pharmacy, a pharmacist has the ability to administer
3 medications.

4 ~~(c) Influenza vaccines and influenza~~
5 ~~immunizations may be administered to a person seven (7) years of age or older~~
6 ~~under a general written protocol.~~

7 ~~(d) Vaccines and immunizations other than~~
8 ~~influenza vaccines and influenza immunizations may be administered to a~~
9 ~~person from seven (7) years of age to eighteen (18) years of age under a~~
10 ~~general written protocol and subject to reporting required under § 20-15-1203~~
11 ~~if written consent of the parent or legal guardian of the minor is obtained~~
12 ~~before the administration of the vaccine or immunization.~~

13 ~~(e) Vaccines and immunizations other than~~
14 ~~influenza vaccines and influenza immunizations may be administered to a~~
15 ~~person eighteen (18) years of age or older under a general written protocol.~~

16 ~~(f) Medications other than vaccines and~~
17 ~~immunizations may be administered to a person seven (7) years of age or older~~
18 ~~under a patient-specific order or prescription and subject to reporting of~~
19 ~~the administration to the prescribing physician.~~

20 (c) A pharmacist may prescribe, administer,
21 deliver, distribute, or dispense medications that treat adverse reactions
22 associated with the administration of vaccines and immunizations, vaccines,
23 and immunizations to or for a person three (3) years of age or older.

24 (d) A pharmacist who prescribes and
25 administers vaccines and immunizations other than for influenza or
26 coronavirus 2019 (COVID-19) to a person who is three (3) years of age to six
27 (6) years of age shall:

28 (1) Participate in the federal Vaccines
29 for Children Program; and

30 (2) Inform the person who is three (3)
31 years of age to six (6) years of age and adult caregivers accompanying the
32 person who is three (3) years of age to six (6) years of age of the
33 importance of a well-child visit with a pediatrician or other licensed
34 primary care provider and recommend a well-child visit at least yearly.

35 (e)(1) A pharmacist may administer medications
36 other than medications that treat adverse reactions associated with the

1 administration of vaccines and immunizations, vaccines, and immunizations
2 under a patient-specific order or prescription or general written protocol.

3 (2) The administration of the medication
4 under subdivision (17)(A)(i)(e)(1) of this section is subject to reporting to
5 the prescribing physician, if applicable.

6 ~~(g)(f)~~ A general written protocol ~~under~~
7 ~~subdivisions (17)(A)(i)(e) and (e) of this section~~ and patient-specific
8 orders or prescriptions under ~~subdivisions (17)(A)(i)(d) and (f)~~ subdivision
9 (17)(A)(i)(e) of this section shall be from a physician licensed by the
10 Arkansas State Medical Board and practicing in Arkansas or within fifty (50)
11 miles of the Arkansas border.

12 ~~(h)(g)~~ Under a statewide protocol, a
13 pharmacist may initiate therapy and administer or dispense, or both, drugs
14 that include Naloxone and nicotine replacement therapy products;

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16 /s/Boyd

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19 **APPROVED: 3/22/21**
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State of Arkansas *As Engrossed: H1/19/21 H3/8/21*

93rd General Assembly

A Bill

Regular Session, 2021

HOUSE BILL 1135

By: Representatives Boyd, *Pilkington*

By: *Senator Gilmore*

For An Act To Be Entitled

AN ACT TO AUTHORIZE PHARMACY TECHNICIANS TO
ADMINISTER VACCINES AND IMMUNIZATIONS; TO AMEND THE
DEFINITION OF "PRACTICE OF PHARMACY" TO ALLOW
PHARMACY TECHNICIANS TO ADMINISTER VACCINES OR
IMMUNIZATIONS TO A PERSON WHO IS THREE (3) YEARS OF
AGE OR OLDER; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE PHARMACY TECHNICIANS TO
ADMINISTER VACCINES AND IMMUNIZATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-92-101(17)(C), concerning the
definition of "practice of pharmacy" relating to pharmacists and pharmacies,
is amended to read as follows:

(C)(i) The Arkansas State Board of Pharmacy may permit
pharmacy technicians other than pharmacists or interns to perform some or all
of those functions described in Arkansas State Board of Pharmacy rules under
the direct, personal supervision of a licensed pharmacist ~~pursuant to~~ under
rules defining the minimum qualifications of such employees, the ratio of
pharmacy technicians to supervising pharmacists, and the scope of the duties,
practices, and procedures that the Arkansas State Board of Pharmacy
determines will promote the delivery of competent, professional
pharmaceutical services and promote the public health and welfare. ~~Nothing in~~
~~this chapter shall be construed as allowing pharmacy technicians to~~



1 ~~administer medications.~~

2 (ii) A pharmacy technician may administer vaccines
3 and immunizations to a person three (3) years of age or older if delegated to
4 do so by a supervising pharmacist, but may not administer other medications.

5 (iii) The conduct of a pharmacy technician is the
6 responsibility of the pharmacist-in-charge and supervising pharmacist of the
7 pharmacy who shall not permit the employee to perform any act, task, or
8 function that involves the exercise of independent judgment by the employee.

9 ~~(iii)~~(iv) Pharmacy products prepared by pharmacy
10 technicians shall be verified for accuracy by the supervising pharmacist
11 before release for patient use, and the verification shall be documented.

12 ~~(iv)~~(v) The use of pharmacy technicians in a manner
13 not authorized by this chapter or rules promulgated hereunder shall be
14 unprofessional conduct by the pharmacist-in-charge and the supervising
15 pharmacist.

16 ~~(v)~~(vi) It is recognized that hospital pharmacy
17 technicians as defined in § 17-92-602(4) are governed by the Hospital
18 Pharmacies Act, § 17-92-601 et seq., and related Arkansas State Board of
19 Pharmacy rules developed pursuant to that subchapter under the Hospital
20 Pharmacies Act, § 17-92-601 et seq.;

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22 /s/Boyd
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25 **APPROVED: BECAME LAW ON 3/22/21 WITHOUT THE GOVERNOR'S SIGNATURE.**
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State of Arkansas

As Engrossed: H2/22/21

93rd General Assembly

A Bill

Regular Session, 2021

HOUSE BILL 1069

By: Representatives Pilkington, McCollum

By: Senators B. Davis, T. Garner

For An Act To Be Entitled

AN ACT TO AMEND THE PROVISIONS OF THE ARKANSAS CODE
CONCERNING THE PRACTICE OF PHARMACY; TO AUTHORIZE
PHARMACISTS TO PROVIDE ACCESS TO AND ADMINISTRATION
OF ORAL CONTRACEPTIVES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE PROVISIONS OF THE ARKANSAS
CODE CONCERNING THE PRACTICE OF PHARMACY;
AND TO AUTHORIZE PHARMACISTS TO PROVIDE
ACCESS TO AND ADMINISTRATION OF ORAL
CONTRACEPTIVES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-92-101(17)(A)(i)(h), concerning the
definition of "practice of pharmacy" regarding pharmacists and pharmacies, is
amended to read as follows:

(h) Under a statewide protocol, a pharmacist
may initiate therapy and administer or dispense, or both, drugs that include
Naloxone, ~~and~~ nicotine replacement therapy products, and oral contraceptives;

SECTION 2. Arkansas Code § 17-92-115 is amended to read as follows:
17-92-115. Requirements for administering and dispensing under
statewide protocol.

(a) When initiating therapy and administering or dispensing, or both,
under a statewide protocol, a pharmacist shall:



1 (1) Notify the primary care provider of the patient of any drug
2 or device furnished to the patient or enter the appropriate information in a
3 patient record system shared with the primary care provider, as permitted by
4 the primary care provider;

5 (2) Provide the patient with a written record of the drugs or
6 devices furnished and advise the patient to consult a physician of the
7 patient's choice, if the patient does not have a primary care provider; and

8 (3)(A) Make a standardized fact sheet available to the recipient
9 of the drug or device.

10 (B) The standardized fact sheet shall include without
11 limitation:

12 (i) The indications and contraindications for the
13 use of the drug or device;

14 (ii) The appropriate method for the use of the drug
15 or device;

16 (iii) The need for medical follow-up; and

17 (iv) Other appropriate information.

18 (b)(1) In addition to the requirements under subsection (a) of this
19 section, when initiating therapy and administering or dispensing, or both,
20 oral contraceptives under a statewide protocol, a pharmacist shall:

21 (A) Complete a training program related to oral
22 contraceptives that has been approved by the Arkansas State Board of
23 Pharmacy;

24 (B)(i) Screen a patient seeking oral contraceptives to
25 assess whether the patient has been seen by a primary care provider or
26 women's healthcare provider within the previous six (6) months.

27 (ii) If the patient has not been seen by a primary
28 care provider or women's healthcare provider within the previous six (6)
29 months, the pharmacist shall:

30 (a) Provide the patient with a referral to a
31 local primary care provider or women's healthcare provider; and

32 (b) Not dispense more than a six-month supply
33 of oral contraceptives or the equivalent number of refills to the patient
34 until the patient has been seen by a primary care provider or women's
35 healthcare provider.

36 (iii) A pharmacist shall not provide the patient

1 with a referral to a licensed abortion provider.

2 (iv) The board shall adopt screening assessment
3 procedures and questionnaires to be used by pharmacists throughout the state;

4 (C)(i) Explain verbally to the patient the possible
5 effects of an oral contraceptive, including without limitation the death of
6 an unborn child and possible health complication or adverse reactions as
7 printed by the United States Food and Drug Administration.

8 (ii) The patient and pharmacist shall sign an
9 informed consent form that documents the explanation described in subdivision
10 (b)(1)(C)(i) of this section and place the form in the patient's medical
11 record;

12 (D) Report the following information to the Department of
13 Health:

14 (i) The number of women who receive oral
15 contraceptives without a prescription; and

16 (ii) The age of the women who receive oral
17 contraceptives without a prescription;

18 (E) Provide a standardized information sheet about the
19 oral contraceptive dispensed to the patient; and

20 (F) Write a summary of consultation to be maintained in
21 the patient's medical record.

22 (2) A pharmacist shall only initiate therapy and administer or
23 dispense, or both, oral contraceptives under a statewide protocol to an
24 individual who is eighteen (18) years of age or older.

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26 /s/Pilkington

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29 APPROVED: 3/22/21

State of Arkansas *As Engrossed: H2/24/21 H3/4/21*

93rd General Assembly

A Bill

Regular Session, 2021

HOUSE BILL 1246

By: Representatives L. Johnson, Bragg, Eubanks

By: Senators D. Wallace, Hester

For An Act To Be Entitled

AN ACT TO ALLOW PHARMACISTS TO TREAT CERTAIN HEALTH
CONDITIONS; TO MODIFY PHYSICIAN DISPENSING; TO ALLOW
DELEGATION OF PHYSICIAN DISPENSING; AND FOR OTHER
PURPOSES.

Subtitle

TO ALLOW PHARMACISTS TO TREAT CERTAIN
HEALTH CONDITIONS; TO MODIFY PHYSICIAN
DISPENSING; AND TO ALLOW DELEGATION OF
PHYSICIAN DISPENSING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Purpose.

It is the purpose of this act to authorize pharmacists in Arkansas to
test and screen for health conditions that the Centers for Medicare and
Medicaid Services has determined qualify for a waiver under the federal
Clinical Laboratory Improvement Amendments of 1988, the federal regulations
adopted, or any established screening procedures that can safely be performed
by a pharmacist.

SECTION 2. Arkansas Code § 17-92-101(17)(A)(x), concerning the
definition of "practice of pharmacy", is amended to read as follows:

(x)(a) Providing pharmacy care; ~~and.~~

(b) A pharmacist may treat the following
conditions within the framework of a statewide written protocol:



1 (1) Influenza;
2 (2) Pharyngitis caused by streptococcus
3 A; or
4 (3) Other health conditions that can be
5 screened utilizing the waived test under the Clinical Laboratory Improvement
6 Amendments of 1988, that may be adopted by rule of the Arkansas State Board
7 of Pharmacy, in consultation with and upon approval of the Arkansas State
8 Medical Board.

9 (c) A pharmacist shall only treat conditions
10 for which the pharmacist has tested and that are approved under this
11 subdivision (17)(A)(x)(c).

12 (d)(1) The Arkansas State Board of Pharmacy,
13 with consultation and upon approval of the Arkansas State Medical Board,
14 shall adopt by rule:

15 (A) A formulary of medicinal drugs
16 that a pharmacist may prescribe for treatment of conditions listed in
17 subdivision (17)(A)(x)(b) of this section; and

18 (B) A written statewide protocol
19 for conditions listed in subdivision (17)(A)(x)(b) of this section, which
20 shall including without limitation age of people that can be treated and
21 medications to be used to treat people under this subdivision.

22 (2) The formulary shall include
23 medicinal drugs approved by the United States Food and Drug Administration
24 which are indicated for treatment of these conditions, including without
25 limitation any over-the-counter medication.

26 (3) The formulary shall not include any
27 controlled substance in Schedule I-IV or 21 U.S.C. § 812, as existing on
28 January 1, 2021.

29 (e) A pharmacist may write a prescription for
30 over-the-counter medications, supplies, and devices; and

31
32 SECTION 3. Arkansas Code § 17-92-101(18), concerning the definition of
33 "prescription", is amended to read as follows:

34 (18)(A)(i) "Prescription" means an order for medicine or
35 medicines usually written as a formula by a physician, optometrist, dentist,
36 veterinarian, or other licensed medicinal practitioner.

1 (ii) A prescription ~~It~~ contains the names and
2 quantities of the desired substance, with instructions to the pharmacist for
3 its preparation and to the patient for the use of the medicine at a
4 particular time and may authorize the pharmacist to substitute a
5 therapeutically equivalent drug that is at ~~a~~ an equal or lower cost to the
6 patient and communicate that authorization by any generally accepted means of
7 communication of a prescription from a prescriber to a pharmacist.

8 (B)(i) ~~A substitution of a therapeutically equivalent drug~~
9 ~~shall occur only after the prescriber grants such authorization for each~~
10 ~~prescription.~~ pharmacist whose practice is located within this state may
11 substitute one (1) medication for a therapeutically equivalent medication.

12 (ii) However, a pharmacist shall not substitute one
13 (1) medication for a therapeutically equivalent medication if:

14 (a) A prescription is in writing and the
15 prescriber indicates in his or her own handwriting by name or initial that no
16 substitution is to be made;

17 (b) A prescription is not in writing and the
18 prescriber expressly indicates that the prescription is to be dispensed as
19 communicated; or

20 (c) The Arkansas State Board of Pharmacy has
21 determined that a therapeutically equivalent medication should not be
22 substituted and has notified all pharmacists of that determination.

23 (C)(i) Before dispensing, the pharmacist shall discuss
24 verbally any suggested substitution with the patient and inform the patient
25 that the patient has a right to refuse the substitution.

26 (ii) The discussion under subdivision (18)(C)(i) of
27 this section shall include without limitation:

28 (a) Notification to the patient that the
29 therapeutically equivalent drug does not contain the identical active
30 ingredient present in the prescribed drug; and

31 (b) All differences in dosage and frequency
32 between the prescribed drug and the therapeutically equivalent drug.

33 (D) The pharmacist shall send notice of the substitution
34 to the prescriber in writing or by electronic communication within twenty-
35 four (24) hours after the drug is dispensed to the patient.

36 (E) Subdivision (18)(B) of this section does not apply to

1 specific acts of drug therapy management or disease state management
2 delegated to a pharmacist based upon a written protocol or patient care plan
3 approved by a physician under subdivision (17)(A)(ix) of this section;
4

5 SECTION 4. Arkansas Code Title 17, Chapter 92, Subchapter 1, is
6 amended to add an additional section to read as follows:

7 17-92-118. Point-of-care treatment.

8 A pharmacist who tests for conditions under § 17-92-101(17)(A)(x)
9 shall:

- 10 (1) Hold a license to practice pharmacy in this state;
11 (2) Report a diagnosis or suspected existence of influenza to
12 the Department of Health;
13 (3) Furnish patient records to a healthcare practitioner
14 designated by the patient upon the request of the patient; and
15 (4) Maintain records of all patients receiving services under
16 this section for two (2) years.
17

18 SECTION 5. Arkansas Code § 17-95-102 is amended to read as follows:
19 17-95-102. Legend drugs.

20 (a) ~~A dispensing physician is~~ As used in this section, a "dispensing
21 physician" means a physician licensed under the Arkansas Medical Practices
22 Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., who
23 purchases legend drugs to be dispensed to his or her patients for the
24 patients' personal use and administration outside the physician's office.

25 (b) This section ~~shall~~ does not apply to physicians who only dispense
26 drugs in injectable form unless they are controlled substances, in which case
27 the section shall fully apply.

28 (c) The dispensing physician shall:

29 (1) Personally dispense legend drugs, and the dispensing of such
30 drugs may ~~not~~ be delegated;

31 (2)(A) Keep records of all receipts and distributions of legend
32 drugs.

33 (B) The records shall be subject to inspection by the
34 proper enforcement authority and shall be readily accessible for inspection
35 and maintained in a central registry; and

36 (3) Label legend drugs with the following information:

1 (A) Patient's name and address;

2 (B) Prescribing physician's address and narcotic registry
3 number issued by the United States Drug Enforcement Administration or
4 national provider identification number;

5 (C) Date of dispensing; and

6 (D) Directions and cautionary statements, if any, as
7 required by law.

8 (d)(1) A physician licensed under the Arkansas Medical Practices Act,
9 § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., shall not
10 dispense legend drugs without prior approval by the Arkansas State Medical
11 Board after application to the ~~board~~ Arkansas State Medical Board and on the
12 showing of need.

13 (2) Licensed physicians who were dispensing in the ordinary
14 course of their practice before April 12, 2013, shall be exempt from the
15 requirements of this subsection.

16 (3) The ~~board~~ Arkansas State Medical Board shall determine
17 whether need exists for a physician to dispense a specific legend drug to the
18 physician's patient for a patient's personal use and administration outside
19 of the physician's office based on such information as is necessary for the
20 ~~board~~ Arkansas State Medical Board to determine:

21 (A) The legend drug or drugs that the physician requests
22 to dispense;

23 (B) The ability of a physician's patient to obtain the
24 legend drug from other medical professionals;

25 (C) The availability of the legend drug to be prescribed
26 by the physician;

27 (D) The hours at which the legend drug may be obtained
28 from other medical professionals;

29 (E) The distance the physician's patient must travel to
30 obtain the legend drug from other medical professionals;

31 (F) Whether the physician has been investigated by the
32 ~~board~~ Arkansas State Medical Board concerning the improper prescribing or use
33 of a legend drug;

34 (G) Whether the physician has a financial relationship
35 with the manufacturer of a legend drug that would create the appearance of a
36 conflict of interest;

1 (H) Whether the physician dispensing a legend drug will
2 foster cost containment through improved efficiency and productivity; and

3 (I) The procedures the physician has implemented to:

4 (i) Assure compliance with the requirements of
5 subsection (c) of this section;

6 (ii) Monitor and guard against potential drug
7 interactions;

8 (iii) Store and safeguard the legend drugs; and

9 (iv) Comply with the Prescription Drug Monitoring
10 Program Act, § 20-7-601 et seq., concerning the reporting requirements to the
11 Prescription Drug Monitoring Program.

12 (4) This section does not apply to a prescription for:

13 (i) A ~~prescription for~~ a topical medication;

14 (ii) Naloxone;

15 (iii) Nicotine ~~nicotine~~ replacement therapy
16 products;

17 (iv) Contraceptives; ~~contraceptives is exempt from~~
18 ~~subdivision (d)(3) of this section~~

19 (v) Acute care medication; or

20 (vi) Initial treatment for maintenance medication.

21 (e)(1) The ~~board~~ Arkansas State Medical Board shall enforce the
22 provisions of this section and is authorized and directed to adopt rules to
23 carry out ~~its purpose~~ the purpose of this section.

24 (2) The Arkansas State Medical Board shall adopt rules for
25 physician dispensing that, at minimum, meet the same requirements for
26 dispensing and oversight established by the Arkansas State Board of Pharmacy.

27 (f) As used in this section:

28 (1)(A) "Acute care medication" means a legend drug that is not a
29 controlled substance and is prescribed for no more than fourteen (14) days of
30 therapy.

31 (B) "Acute care medication" includes the following oral
32 medications:

33 (i) Medications to treat infections;

34 (ii) Anti-inflammatory medications;

35 (iii) Antinausea medications;

36 (iv) Antihistamines; and

1 (v) Cough medications;

2 (2) "Initial treatment" means the first prescription written for
3 a specific prescription medication intended to initiate therapy on the
4 medication; and

5 (3) "Maintenance medication" means a legend drug that:

6 (A) Is not a controlled substance;

7 (B) Is prescribed for no more than thirty (30) days; and

8 (C) Is used to treat one (1) of the following medical
9 conditions:

10 (i) Hypertension;

11 (ii) Diabetes mellitus; or

12 (iii) Hypercholesterolemia.

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14 SECTION 6. DO NOT CODIFY. Effective date.

15 Sections 1 -4 take effect on and after January 1, 2022.

16
17 /s/Johnson

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20 **APPROVED: 4/1/21**