

1 INTERIM STUDY PROPOSAL 2019-180

2 State of Arkansas

3 92nd General Assembly

4 Second Extraordinary Session, 2020

A Bill

JMB/JMB

HOUSE BILL

5
6 By: Representative McCollum

7 Filed with: House Committee on Public Health, Welfare, and Labor
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO ALLOW PHARMACISTS TO PRESCRIBE, ADMINISTER,
11 DELIVER, DISTRIBUTE, OR DISPENSE VACCINES AND
12 IMMUNIZATIONS TO A PERSON THREE (3) YEARS OF AGE OR
13 OLDER; TO ALLOW PHARMACISTS TO TEST, SCREEN, AND
14 TREAT MINOR NONCHRONIC HEALTH CONDITIONS; AND FOR
15 OTHER PURPOSES.

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18 **Subtitle**

19 TO ALLOW PHARMACISTS TO PRESCRIBE,
20 ADMINISTER, DELIVER, DISTRIBUTE, OR
21 DISPENSE VACCINES AND IMMUNIZATIONS TO A
22 PERSON THREE (3) YEARS OF AGE OR OLDER
23 AND TO TEST, SCREEN, AND TREAT MINOR
24 NONCHRONIC HEALTH CONDITIONS.

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26
27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

28
29 SECTION 1. Arkansas Code § 17-92-101(17)(A)(i), concerning the
30 definition of "practice of pharmacy", is amended to read as follows:

31 (i)(a) Dispensing, selling, distributing,
32 transferring possession of, vending, bartering, or, in accordance with rules
33 adopted by the Arkansas State Board of Pharmacy, administering drugs,
34 medicines, poisons, or chemicals that under the laws of the United States or
35 the State of Arkansas may be sold or dispensed only on the prescription and

1 order of a practitioner authorized by law to prescribe drugs, medicines,
2 poisons, or chemicals.

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

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

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

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

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

22 (c) A pharmacist may prescribe, administer,
23 deliver, distribute, or dispense vaccines and immunizations to or for a
24 person three (3) years of age or older.

25 (d)(1) A pharmacist may administer medications
26 to a person three (3) years of age or older under a patient-specific order or
27 prescription or general written protocol.

28 (2) The administration of the medication
29 is subject to reporting to the prescribing physician, if applicable.

30 ~~(g)(e)~~ A general written protocol under
31 ~~subdivisions (17)(A)(i)(e) and (e) of this section and patient-specific~~
32 ~~orders or prescriptions under subdivisions (17)(A)(i)(d) and (f) subdivision~~
33 ~~(17)(A)(i)(d) of this section shall be from a physician licensed by the~~
34 ~~Arkansas State Medical Board and practicing in Arkansas or within fifty (50)~~
35 ~~miles of the Arkansas border.~~

1 ~~(h)~~(f) Under a statewide protocol, a
2 pharmacist may initiate therapy and administer or dispense, or both, drugs
3 that include Naloxone and nicotine replacement therapy products;
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5 SECTION 2. Arkansas Code § 17-92-101, concerning definitions regarding
6 pharmacists and the practice of pharmacy, is amended to add an additional
7 subdivision to read as follows:

8 (26) "Minor nonchronic health condition" means a short-term
9 condition that is generally managed with minimal treatment or self-care,
10 including without limitation:

11 (A) Influenza;

12 (B) Streptococcus;

13 (C) Lice;

14 (D) Skin conditions such as ringworm or athlete's foot;

15 and

16 (E) Minor uncomplicated infections.

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18 SECTION 3. Arkansas Code Title 17, Chapter 92, Subchapter 1, is
19 amended to add an additional section to read as follows:

20 17-92-118. Point-of-care testing.

21 (a) The Arkansas State Board of Pharmacy, in consultation with the
22 Arkansas State Medical Board, shall adopt rules identifying the minor
23 nonchronic health conditions for which a pharmacist may test or screen and
24 treat.

25 (b) A pharmacist who tests or screens for minor nonchronic health
26 conditions under this section shall:

27 (1) Hold a license to practice pharmacy in this state;

28 (2) Report a diagnosis or suspected existence of a disease of
29 public health significance to the Department of Health;

30 (3) Furnish patient records to a healthcare practitioner
31 designated by the patient upon the request of the patient; and

32 (4) Maintain records of all patients receiving services under
33 this section for five (5) years.

34 (c) A pharmacist who tests or screens for minor nonchronic health
35 conditions under this section may use any tests that guide diagnosis or
36 clinical decision-making which the Centers for Medicare & Medicaid Services

1 has determined qualifies for a waiver under the federal Clinical Laboratory
2 Improvement Amendments of 1988, the federal rules adopted, or any established
3 screening procedures that can safely be performed by a pharmacist.

4 (d)(1) The Arkansas State Board of Pharmacy shall adopt by rule a
5 formulary of medicinal drugs that a pharmacist may prescribe for a minor
6 nonchronic health condition under this section.

7 (2) The formulary shall include medicinal drugs approved by the
8 United States Food and Drug Administration which are indicated for treatment
9 of the minor nonchronic health condition, including without limitation any
10 over-the-counter medication.

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

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14 SECTION 4. DO NOT CODIFY. Effective date.
15 This act takes effect on and after January 1, 2022.
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18 Referred by Representative McCollum
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22 Prepared by: JMB/JMB
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