

INTERIM STUDY PROPOSAL 2017-102

State of Arkansas
91st General Assembly
Second Extraordinary Session, 2017

A Bill

JMB/JMB
HOUSE BILL

By: Representative Pilkington

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

For An Act To Be Entitled

AN ACT TO AUTHORIZE A PHARMACIST TO DISPENSE ORAL
CONTRACEPTIVES WITHOUT A PRESCRIPTION; AND FOR OTHER
PURPOSES.

Subtitle

TO AUTHORIZE A PHARMACIST TO DISPENSE
ORAL CONTRACEPTIVES WITHOUT A
PRESCRIPTION.

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

SECTION 1. Arkansas Code § 17-92-101(16)(A), concerning the definition
of "practice of pharmacy", is amended to read as follows:

(16)(A) "Practice of pharmacy" means the healthcare provider
profession of:

(i)(a) Dispensing, selling, distributing,
transferring possession of, vending, bartering, or, in accordance with
~~regulations~~ 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.

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

1 (c) Influenza vaccines and influenza
2 immunizations may be administered to a person seven (7) years of age and
3 older under a general written protocol.

4 (d) Vaccines and immunizations other than
5 influenza vaccines and influenza immunizations may be administered to a
6 person from seven (7) years of age to eighteen (18) years of age under a
7 patient-specific order or prescription and subject to reporting of the
8 administration to the prescribing physician together with any reporting
9 required under § 20-15-1203.

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

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

17 (g) A general written protocol under
18 subdivisions (16)(A)(i)(c) and (e) of this section and patient-specific
19 orders or prescriptions under subdivisions (16)(A)(i)(d) and (f) of this
20 section shall be from a physician licensed by the Arkansas State Medical
21 Board and practicing in Arkansas or within fifty (50) miles of the Arkansas
22 border.

23 (h) ~~Pursuant to~~ Under a statewide protocol, a
24 pharmacist may initiate therapy and administer or dispense, or both,
25 Naloxone;

26 (ii) Placing, packing, pouring, or putting into a
27 container for dispensing, sale, distribution, transfer of, possession of,
28 vending, or bartering any drug, medicine, poison, or chemical that under the
29 laws of the United States or the State of Arkansas may be sold or dispensed
30 only on the prescription of a practitioner authorized by law to prescribe
31 drugs, medicines, poisons, or chemicals;

32 (iii) Placing in or affixing upon any container
33 described in subdivision (16)(A)(ii) of this section a label required to be
34 placed upon drugs, medicines, poisons, or chemicals sold or dispensed upon
35 prescription of a practitioner authorized by law to prescribe those drugs,
36 medicines, poisons, or chemicals;

1 (iv) Preparing, typing, or writing labels to be
2 placed in or affixed on any container described in subdivision (16)(A)(ii) of
3 this section, which label is required to be placed upon drugs, medicines,
4 poisons, or chemicals sold or dispensed upon prescription of a practitioner
5 authorized by law to prescribe those drugs, medicines, poisons, or chemicals;

6 (v) Interpreting prescriptions for drugs, medicines,
7 poisons, or chemicals issued by practitioners authorized by law to prescribe
8 drugs, medicines, poisons, or chemicals that may be sold or dispensed only on
9 prescription;

10 (vi) Selecting, taking from, and replacing upon
11 shelves in the prescription department of a pharmacy or apothecary drugs,
12 medicines, chemicals, or poisons that are required by the laws of the United
13 States or the State of Arkansas to be sold or dispensed only on prescription
14 of a practitioner authorized by law to prescribe them;

15 (vii) Compounding, mixing, preparing, or combining
16 drugs, medicines, chemicals, or poisons that under the laws of the United
17 States or the State of Arkansas may be sold or dispensed only on the
18 prescription of a practitioner authorized by law to prescribe them;

19 (viii) Advising and providing information concerning
20 utilization of drugs and devices and participation in drug utilization
21 reviews;

22 (ix)(a) Performing a specific act of drug therapy
23 management or disease state management delegated to a pharmacist for an
24 individual patient based upon a written protocol or a patient care plan
25 approved by a physician, ~~who shall be~~ licensed in this state under the
26 Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq.,
27 and § 17-95-401 et seq.

28 (b) Drug therapy management ~~shall~~ does not
29 include the selection of drug products not prescribed by the physician unless
30 the drug products are either named in the physician-initiated protocol or the
31 physician-approved patient care plan;

32 (x) Providing pharmacy care; ~~and~~

33 (xi) Providing pharmacokinetic services; and

34 (xii) Providing oral contraceptives to an individual
35 who is either:

36 (a) Eighteen (18) years of age or older; or

1 (b) A pharmacist may charge an annual administrative fee for services
2 provided under this section and § 17-92-101(16)(A)(xii) in addition to any
3 costs associated with the dispensing of the oral contraceptive and paid by
4 the pharmacy benefit.

5 (c)(1) A pharmacist or a pharmacy employee shall disclose the total
6 cost that a patient would pay for pharmacist-provided oral contraceptives.

7 (2) As used in subdivision (c)(1) of this section, "total cost"
8 means the price of the oral contraceptive and the price of the administrative
9 fee.

10 (d)(1) All state and federal laws governing insurance coverage of
11 contraceptive drugs, devices, products, and services apply to oral
12 contraceptives provided by a pharmacist under this section and § 17-92-
13 101(16)(A)(xii).

14 (2) Patients who are insured or covered and receive a pharmacy
15 benefit that covers the cost of oral contraceptives shall not pay an
16 administrative fee but shall pay any co-payments under the insurance policy.

17 (e) A pharmacist who is acting in good faith and with reasonable care
18 involved in the provision of oral contraceptives under this section and § 17-
19 92-101(16)(A)(xii) is immune from:

20 (1) Disciplinary or adverse administrative actions for acts or
21 omissions during the provision of oral contraceptives; and

22 (2) Civil liability in the absence of gross negligence or
23 willful misconduct for actions authorized under this section and § 17-92-
24 101(16)(A)(xii).

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27 Referred by Representative Pilkington

28 Prepared by: JMB/JMB