

1 State of Arkansas As Engrossed: S4/2/13 S4/4/13 S4/5/13

2 89th General Assembly

A Bill

3 Regular Session, 2013

SENATE BILL 968

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5 By: Senator Maloch

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For An Act To Be Entitled

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AN ACT TO REGULATE PHYSICIAN DISPENSING OF LEGEND

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DRUGS; TO AUTHORIZE THE STATE MEDICAL BOARD TO

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REGULATE PHYSICIAN DISPENSING OF LEGEND DRUGS; AND

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FOR OTHER PURPOSES.

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Subtitle

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TO REGULATE PHYSICIAN DISPENSING OF

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LEGEND DRUGS; AND TO AUTHORIZE THE STATE

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MEDICAL BOARD TO REGULATE PHYSICIAN

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DISPENSING OF LEGEND DRUGS.

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

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23 *SECTION 1. Arkansas Code § 17-95-102(d), concerning the ability of a*
24 *physician to dispense legend drugs is amended to read as follows:*

25 *(d)(1) ~~No~~ A physician licensed under the Arkansas Medical Practices*
26 *Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., shall*
27 *not dispense legend drugs without prior approval by the Arkansas State*
28 *Medical Board after application to the board and on the showing of need.*

29 *(2) Licensed physicians who were dispensing in the ordinary*
30 *course of their practice ~~for the twelve (12) months immediately prior to July~~*
31 *4, 1983 before the effective date of this act, shall be exempt from the*
32 *requirements of this subsection.*

33 *(3) The board shall determine whether need exists for a*
34 *physician to dispense a specific legend drug to the physician's patient for a*
35 *patient's personal use and administration outside of the physician's office*
36 *based on such information as is necessary for the board to determine:*



1 (A) The legend drug or drugs that the physician requests
2 to dispense;

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

5 (C) The availability of the legend drug to be prescribed
6 by the physician;

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

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

11 (F) Whether the physician has been investigated by the
12 board concerning the improper prescribing or use of a legend drug;

13 (G) Whether the physician has a financial relationship
14 with the manufacturer of a legend drug that would create the appearance of a
15 conflict of interest;

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

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

19 (i) Assure compliance with the requirements of
20 subsection (c) of this section;

21 (ii) Monitor and guard against potential drug
22 interactions;

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

24 (iv) Comply with § 20-7-601 et seq. concerning the
25 reporting requirements to the Prescription Drug Monitoring Program.

26 (4) A prescription for a topical medication is exempt from
27 subdivision (d)(3) of this section.

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29 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
30 General Assembly of the State of Arkansas that this act regulates the
31 dispensing of legend drugs; that physicians and patients require certainty
32 about the prescriptive authority of physicians and the availability of legend
33 drugs; that a delay between the passage of this act and the effectiveness of
34 this act will create uncertainty about the prescriptive authority of
35 physicians and the availability of legend drugs. Therefore, an emergency is
36 declared to exist, and this act being immediately necessary for the

1 preservation of the public peace, health, and safety shall become effective
2 on:

3 (1) The date of its approval by the Governor;

4 (2) If the bill is neither approved nor vetoed by the Governor,
5 the expiration of the period of time during which the Governor may veto the
6 bill; or

7 (3) If the bill is vetoed by the Governor and the veto is
8 overridden, the date the last house overrides the veto.

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10 /s/Maloch

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13 **APPROVED: 04/12/2013**
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