

Hall of the House of Representatives
93rd General Assembly - Regular Session, 2021
Amendment Form

Subtitle of House Bill No. 1247

TO MODIFY PHYSICIAN DISPENSING; AND TO ALLOW DELEGATION OF PHYSICIAN DISPENSING.

Amendment No. 1 to House Bill 1247

Amend House Bill No. 1247 as originally introduced:

Page 1, delete line 21, and substitute the following:

"17-95-102. Legend drugs."

AND

Page 1, line 25, delete "~~legend drugs~~ in Schedules III-V" and substitute "legend drugs"

AND

Page 1, delete lines 32 through 35, and substitute the following:

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

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

AND

Page 2, line 3, delete "~~legend drugs~~ in Schedules III-V" and substitute "legend drugs"

AND

Page 2, delete lines 11 through 36, and substitute the following:

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

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



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

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

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

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

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

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

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

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

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

(I) The procedures the physician has implemented to:
(i) Assure compliance with the requirements of subsection (c) of this section;

(ii) Monitor and guard against potential drug interactions;

(iii) Store and safeguard the legend drugs; and

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

AND

Page 3, delete lines 1 through 14, and substitute the following:

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

(i) A prescription for a topical medication;

(ii) Naloxone;

(iii) Nicotine nicotine replacement therapy products; or;

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

(v) Acute care medication; or

(vi) Initial treatment for maintenance medication."

AND

Page 3, delete line 17, and substitute the following:

"carry out ~~its purpose~~ the purpose of this section.

(f) As used in this section:

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

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

- (i) Medications to treat infections;
- (ii) Anti-inflammatory medications;
- (iii) Antinausea medications;
- (iv) Antihistamines; and
- (v) Cough medications;

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

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

- (A) Is not a controlled substance;
- (B) Is prescribed for no more than thirty (30) days; and
- (C) Is used to treat one (1) of the following medical

conditions:

- (i) Hypertension;
- (ii) Diabetes mellitus; or
- (iii) Hypercholesterolemia."

The Amendment was read
By: Representative Gonzales
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Chief Clerk