ARKANSAS SENATE

83rd General Assembly - Regular Session, 2001

Amendment Form

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Subtitle of Senate Bill No. 352

"AN ACT TO AMEND VARIOUS SECTIONS OF THE PHARMACY ACT, ARKANSAS CODE 17-92-101 THROUGH 17-92-909."

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Amendment No. 1 to Senate Bill No. 352.

Amend Senate Bill No. 352 as originally introduced:

Delete the Title and substitute the following:

"AN ACT TO AMEND VARIOUS SECTIONS OF THE PHARMACY ACT, ARKANSAS CODE 17-92-101 THROUGH 17-92-909; TO ALLOW ISSUANCE OF PHARMACIST CREDENTIALS BY AGENCIES APPROVED BY THE ARKANSAS STATE BOARD OF PHARMACY; TO AUTHORIZE THE BOARD OF PHARMACY TO ISSUE DIFFERENT PRACTICE PERMITS TO CERTAIN DISTINCT TYPES OF PHARMACY BUSINESSES; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 25 through 36

AND

Delete pages 2 through 5

AND

Page 6, delete lines 1 through 4 and substitute the following:

"SECTION 1. Arkansas Code 17-92-101 is amended to read as follows:

17-92-101. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Board of Pharmacy" means the Arkansas State Board of Pharmacy;

(2) "Credentialing" means the issuance <u>of or approval</u> by the Arkansas State Board of Pharmacy of a credential<u>, issued to a pharmacist by an agency approved by the board,</u> certifying that the pharmacist has met the standards of competency established by the board for disease state management or other pharmacy services necessitating a credential;

(3) "Dentist" means a practitioner of dentistry duly licensed under the laws of this or some other state;

(4)(A) "Disease state management" means a strategy which utilizes a team-oriented, multidisciplinary approach to improve health care

outcomes and quality of care, and when possible, to control health care cost through management of targeted chronic disease states.

(B) Disease state management focuses on improving health care from prevention to diagnosis and treatment to on-going follow-up.

(C) Disease state management will involve, but not be limited to, patient education and self-care techniques and out-patient drug therapy management pursuant to a patient care plan;

(5) "Drug" shall include all medicines and preparations recognized in the United States Pharmacopoeia or the National Formulary for substances intended to be used for the care, mitigation, or prevention of disease of either man or other animal;

(6) "Generically equivalent" means a drug that is pharmaceutically equivalent and therapeutically equivalent to the drug prescribed;

~~(6)~~(7) "Licensed pharmacist" means a person holding a license under the provisions of this chapter;

~~(7)~~(8) "Medicine" means a drug or preparation of drugs in suitable form for use as a curative or remedial substance;

~~(8)~~(9) "Optometrist" means a practitioner of optometry duly licensed under the laws of this state;

~~(9)~~(10) "Patient care plan" means a written course of action which is patient or physician or pharmacist specific and disease specific for helping a patient to achieve outcomes that improve a patient's quality of life;

~~(10)~~(11) "Pharmacy" means the place licensed by the board in which drugs, chemicals, medicines, prescriptions, and poisons are compounded, dispensed, or sold at retail;

~~(11)~~(12) "Pharmacy care" means the process by which a pharmacist in consultation with the prescribing practitioner identifies, resolves, and prevents potential and actual drug-related problems and optimizes patient therapy outcomes through the responsible provision of drug therapy or disease state management for the purpose of achieving any of the following definite outcomes that improve a patient's quality of life:

(A) Cure of disease;

(B) Elimination or reduction of a patient's symptomology;

(C) Arresting or slowing a disease process; or

(D) Preventing a disease or symptomology;

(13) "Pharmaceutically equivalent" means drug products that have identical amounts of the same active chemical ingredients in the same dosage form and that meet the identical compendial or other applicable standards of strength quality, and purity according to the United States Pharmacopoeia or another nationally recognized compendium;

~~(12)~~(14) "Physician" means a practitioner of medicine duly licensed under the laws of this or some other state;

~~(13)~~(15) "Poisons" means any drug, chemical, medicine, or preparation liable to be destructive to adult human life in quantities of sixty (60) grains or less;

~~(14)~~(16) (A) "Practice of pharmacy" means the learned profession of:

(i) Dispensing, selling, distributing, transferring possession of, vending, bartering, or in accordance with regulations adopted by the board, administering drugs, medicines, poisons, or chemicals which,

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. Except in accordance with regulations adopted by the board as recommended by the Medications Administration Advisory Committee, the administration of medications shall be limited to the following classifications of medications: immunizations, vaccines, allergy medications, vitamins, minerals, antihyperglycemics, and antinausea medications. The administration of medications shall not include the administration of medications to any person under the age of eighteen (18);

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

(iii) Placing in or affixing upon any container described in subdivision (14)(A)(ii) of this section a label required to be placed upon drugs, medicines, poisons, or chemicals sold or dispensed upon prescription of a practitioner authorized by law to prescribe those drugs, medicines, poisons, or chemicals;

(iv) Preparing, typing, or writing labels to be placed in or affixed on any container described in subdivision (14)(A)(ii) of this section, which label is required to be placed upon drugs, medicines, poisons, or chemicals sold or dispensed upon prescription of a practitioner authorized by law to prescribe those drugs, medicines, poisons, or chemicals;

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

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

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

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

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

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

(x) Providing pharmacy care; and

(xi) Providing pharmacokenetic services.

(B) The provisions of subdivisions (14)(A) and (C) of this section shall not apply to employees of wholesale drug companies or other drug distributors who do not fill prescriptions or sell or dispense drugs to the consumer.

(C)(i) The board may permit pharmacy technicians other than pharmacists or interns to perform some or all of those functions described in board regulations under the direct, personal supervision of a licensed pharmacist pursuant to regulations defining the minimum qualifications of such employees, the ratio of pharmacy technicians to supervising pharmacists and the scope of the duties, practices, and procedures which the board 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 administer medications.

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

(iii) Pharmacy products prepared by pharmacy technicians shall be verified for accuracy by the supervising pharmacist prior to release for patient use, and the verification shall be documented.

(iv) The use of pharmacy technicians in a manner not authorized by this chapter or regulations promulgated hereunder shall be unprofessional conduct by the pharmacist-in-charge and the supervising pharmacist.

(v) It is recognized that hospital pharmacy technicians as defined in § 17-92-602(5) are governed by the Hospital Pharmacies Act, § 17-92-601 et seq., and related board regulations developed pursuant to that subchapter;

~~(15)~~(17) "Prescription" means an order for medicine or medicines usually written as a formula by a physician, optometrist, dentist, veterinarian, or other licensed medicinal practitioner. It contains the names and quantities of the desired substance, with instructions to the pharmacist for its preparation and to the patient for the use of the medicine at a particular time;

~~(16)~~(18) "Proprietary medicines", when not otherwise limited, means remedies that a certain individual or individuals have the exclusive right to manufacture or sell;

~~(17)~~(19) "Supervision" means under the direct charge or direction and does not contemplate any continued absence of such supervision;

(20) "Therapeutically equivalent" means pharmaceutically equivalent drug products that, if administered in the same amounts, will provide the same therapeutic effect, identical in duration and intensity;

~~(18)~~(21) "Veterinarian" means a practitioner of veterinary medicine duly licensed under the laws of this or some other state; and

~~(19)~~(22) (A) "Written protocol" means a physician's order, standing medical order, standing delegation order, or other order or protocol as defined by regulation of the Arkansas State Medical Board under the Arkansas Medical Practices Act, § 17-95-201 et seq.

(B) Except for immunizations and vaccinations, which may be general protocols, protocols shall be patient or physician or pharmacist

specific for prescriptions or orders given by the physician authorizing the protocol."

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator P. Malone
MF/RCK **_____**
RCK880 **Secretary**