

ARKANSAS SENATE
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of Senate Bill No. 968

TO REGULATE PHYSICIAN DISPENSING OF LEGEND DRUGS; AND TO AUTHORIZE THE STATE
MEDICAL BOARD TO REGULATE PHYSICIAN DISPENSING OF LEGEND DRUGS.

Amendment No. 1 to Senate Bill No. 968

Amend Senate Bill No. 968 as originally introduced:

Delete everything after the enacting clause and substitute the following:

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

(d)(1) ~~No 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. Licensed physicians who were dispensing in the ordinary course of their practice for the twelve (12) months immediately prior to July 4, 1983, shall be exempt from the requirements of this subsection.~~

(2) 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 the following:

(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) The ability of the board to provide oversight concerning the proposed volume of the legend drugs the physician would dispense;

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



(I) Whether the physician dispensing a legend drug will foster cost containment through improved efficiency and productivity; and
(J) 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 § 20-7-601 et seq. concerning the reporting requirements to the Prescription Drug Monitoring Program."

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator Maloch
JAM/JAM - 03-28-2013 13:57:32
JAM184 _____ Secretary