1	INTERIM STUDY PROPOSAL 2019-180	
2	State of Arkansas	
3	92nd General Assembly A Bill JMB/JM	E
4	Second Extraordinary Session, 2020 HOUSE BIL	L
5		
6	By: Representative McCollum	
7	Filed with: House Committee on Public Health, Welfare, and Lab	00
8	pursuant to A.C.A. §10-3-21	17
9	For An Act To Be Entitled	
10	AN ACT TO ALLOW PHARMACISTS TO PRESCRIBE, ADMINISTER,	
11	DELIVER, DISTRIBUTE, OR DISPENSE VACCINES AND	
12	IMMUNIZATIONS TO A PERSON THREE (3) YEARS OF AGE OR	
13	OLDER; TO ALLOW PHARMACISTS TO TEST, SCREEN, AND	
14	TREAT MINOR NONCHRONIC HEALTH CONDITIONS; AND FOR	
15	OTHER PURPOSES.	
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17		
18	Subtitle	
19	TO ALLOW PHARMACISTS TO PRESCRIBE,	
20	ADMINISTER, DELIVER, DISTRIBUTE, OR	
21	DISPENSE VACCINES AND IMMUNIZATIONS TO A	
22	PERSON THREE (3) YEARS OF AGE OR OLDER	
23	AND TO TEST, SCREEN, AND TREAT MINOR	
24	NONCHRONIC HEALTH CONDITIONS.	
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27	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:	
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29	SECTION 1. Arkansas Code § 17-92-101(17)(A)(i), concerning the	
30	definition of "practice of pharmacy", is amended to read as follows:	
31	(i)(a) Dispensing, selling, distributing,	
32	transferring possession of, vending, bartering, or, in accordance with rules	
33	adopted by the Arkansas State Board of Pharmacy, administering drugs,	
34	medicines, poisons, or chemicals that under the laws of the United States or	
35	the State of Arkansas may be sold or dispensed only on the prescription and	

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    order of a practitioner authorized by law to prescribe drugs, medicines,
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    poisons, or chemicals.
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                                   (b) Except as limited by rules adopted by the
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    Arkansas State Board of Pharmacy, a pharmacist has the ability to administer
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    medications.
6
                                  (c) Influenza vaccines and influenza
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    immunizations may be administered to a person seven (7) years of age or older
8
    under a general written protocol.
9
                                   (d) Vaccines and immunizations other than
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    influenza vaccines and influenza immunizations may be administered to a
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    person from seven (7) years of age to eighteen (18) years of age under a
12
    general written protocol and subject to reporting required under § 20-15-1203
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    if written consent of the parent or legal guardian of the minor is obtained
14
    before the administration of the vaccine or immunization.
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                                   (e) Vaccines and immunizations other than
    influenza vaccines and influenza immunizations may be administered to a
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    person eighteen (18) years of age or older under a general written protocol.
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                                  (f) Medications other than vaccines and
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    immunizations may be administered to a person seven (7) years of age or older
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    under a patient-specific order or prescription and subject to reporting of
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    the administration to the prescribing physician.
22
                                  (c) A pharmacist may prescribe, administer,
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    deliver, distribute, or dispense vaccines and immunizations to or for a
    person three (3) years of age or older.
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25
                                   (d)(1) A pharmacist may administer medications
    to a person three (3) years of age or older under a patient-specific order or
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27
    prescription or general written protocol.
28
                                         (2) The administration of the medication
29
    is subject to reporting to the prescribing physician, if applicable.
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                                  (g)(e) A general written protocol under
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    subdivisions (17)(A)(i)(c) and (e) of this section and patient-specific
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    orders or prescriptions under subdivisions (17)(A)(i)(d) and (f) subdivision
    (17)(A)(i)(d) of this section shall be from a physician licensed by the
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    Arkansas State Medical Board and practicing in Arkansas or within fifty (50)
    miles of the Arkansas border.
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1	<del>(h)</del> (f) Under a statewide protocol, a
2	pharmacist may initiate therapy and administer or dispense, or both, drugs
3	that include Naloxone and nicotine replacement therapy products;
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5	SECTION 2. Arkansas Code § 17-92-101, concerning definitions regarding
6	pharmacists and the practice of pharmacy, is amended to add an additional
7	subdivision to read as follows:
8	(26) "Minor nonchronic health condition" means a short-term
9	condition that is generally managed with minimal treatment or self-care,
10	including without limitation:
11	(A) Influenza;
12	(B) Streptococcus;
13	(C) Lice;
14	(D) Skin conditions such as ringworm or athlete's foot;
15	<u>and</u>
16	(E) Minor uncomplicated infections.
17	
18	SECTION 3. Arkansas Code Title 17, Chapter 92, Subchapter 1, is
19	amended to add an additional section to read as follows:
20	17-92-118. Point-of-care testing.
21	(a) The Arkansas State Board of Pharmacy, in consultation with the
22	Arkansas State Medical Board, shall adopt rules identifying the minor
23	nonchronic health conditions for which a pharmacist may test or screen and
24	<u>treat.</u>
25	(b) A pharmacist who tests or screens for minor nonchronic health
26	conditions under this section shall:
27	(1) Hold a license to practice pharmacy in this state;
28	(2) Report a diagnosis or suspected existence of a disease of
29	public health significance to the Department of Health;
30	(3) Furnish patient records to a healthcare practitioner
31	designated by the patient upon the request of the patient; and
32	(4) Maintain records of all patients receiving services under
33	this section for five (5) years.
34	(c) A pharmacist who tests or screens for minor nonchronic health
35	conditions under this section may use any tests that guide diagnosis or
36	clinical decision-making which the Centers for Medicare & Medicaid Services

1	has determined qualifies for a waiver under the federal Clinical Laboratory
2	Improvement Amendments of 1988, the federal rules adopted, or any established
3	screening procedures that can safely be performed by a pharmacist.
4	(d)(1) The Arkansas State Board of Pharmacy shall adopt by rule a
5	formulary of medicinal drugs that a pharmacist may prescribe for a minor
6	nonchronic health condition under this section.
7	(2) The formulary shall include medicinal drugs approved by the
8	United States Food and Drug Administration which are indicated for treatment
9	of the minor nonchronic health condition, including without limitation any
10	over-the-counter medication.
11	(3) The formulary shall not include any controlled substance in
12	Schedule I-IV or 21 U.S.C. § 812, as existing on January 1, 2021.
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14	SECTION 4. DO NOT CODIFY. <u>Effective date.</u>
15	This act takes effect on and after January 1, 2022.
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18	Referred by Representative McCollum
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22	Prepared by: JMB/JMB
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