

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

*As Engrossed: S4/2/13*

## A Bill

SENATE BILL 968

5 By: Senator Maloch  
6

### For An Act To Be Entitled

8 AN ACT TO REGULATE PHYSICIAN DISPENSING OF LEGEND  
9 DRUGS; TO AUTHORIZE THE STATE MEDICAL BOARD TO  
10 REGULATE PHYSICIAN DISPENSING OF LEGEND DRUGS; AND  
11 FOR OTHER PURPOSES.  
12  
13

### Subtitle

14  
15 TO REGULATE PHYSICIAN DISPENSING OF  
16 LEGEND DRUGS; AND TO AUTHORIZE THE STATE  
17 MEDICAL BOARD TO REGULATE PHYSICIAN  
18 DISPENSING OF LEGEND DRUGS.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

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

32 *(2) The board shall determine whether need exists for a*  
33 *physician to dispense a specific legend drug to the physician's patient for a*  
34 *patient's personal use and administration outside of the physician's office*  
35 *based on the following:*

36 *(A) The legend drug or drugs that the physician requests*



1 to dispense;

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

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

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

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

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

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

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

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

20 (J) The procedures the physician has implemented to:

21 (i) Assure compliance with the requirements of  
22 subsection (c) of this section;

23 (ii) Monitor and guard against potential drug  
24 interactions;

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

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

28  
29 /s/Maloch  
30  
31  
32  
33  
34  
35  
36