

State of Arkansas

As Engrossed: S4/2/13 S4/4/13

89th General Assembly

A Bill

Regular Session, 2013

SENATE BILL 968

By: Senator Maloch

For An Act To Be Entitled

AN ACT TO REGULATE PHYSICIAN DISPENSING OF LEGEND
DRUGS; TO AUTHORIZE THE STATE MEDICAL BOARD TO
REGULATE PHYSICIAN DISPENSING OF LEGEND DRUGS; AND
FOR OTHER PURPOSES.

Subtitle

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

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

*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.*

*(2) 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.*

*(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 the following:*

(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.

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29 /s/Maloch
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