

Hall of the House of Representatives
93rd General Assembly - Regular Session, 2021
Amendment Form

Subtitle of House Bill No. 1246

TO ALLOW PHARMACISTS TO TREAT CERTAIN HEALTH CONDITIONS.

Amendment No. 1 to House Bill 1246

Amend House Bill No. 1246 as originally introduced:

Page 1, line 32, delete "written protocol:" and substitute "statewide written protocol:"

AND

Page 1, delete lines 33 through 36, and substitute the following:

"(1) Influenza;

(2) Pharyngitis caused by streptococcus

A; or

(3) Other health conditions that can be

screened utilizing the waived test under the Clinical Laboratory Improvement Amendments of 1988, that may be adopted by rule of the Arkansas State Board of Pharmacy, in consultation with and upon approval of the Arkansas State Medical Board."

AND

Page 2, delete lines 1 through 5

AND

Page 2, delete lines 9 through 13, and substitute the following:

"(d)(1) The Arkansas State Board of Pharmacy, with consultation and upon approval of the Arkansas State Medical Board, shall adopt by rule:

(A) A formulary of medicinal drugs that a pharmacist may prescribe for treatment of conditions listed in subdivision (17)(A)(x)(b) of this section; and

(B) A written statewide protocol for conditions listed in subdivision (17)(A)(x)(b) of this section, which shall including without limitation age of people that can be treated and medications to be used to treat people under this subdivision."



AND

Page 2, delete lines 22 and 23, and substitute the following:
"over-the-counter medications, supplies, and devices; and

SECTION 3. Arkansas Code § 17-92-101(18), concerning the definition of "prescription", is amended to read as follows:

(18)(A)(i) "Prescription" means an order for medicine or medicines usually written as a formula by a physician, optometrist, dentist, veterinarian, or other licensed medicinal practitioner.

(ii) A prescription ~~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 and may authorize the pharmacist to substitute a therapeutically equivalent drug that is at a lower cost to the patient and communicate that authorization by any generally accepted means of communication of a prescription from a prescriber to a pharmacist.

~~(B)(i) A substitution of a therapeutically equivalent drug shall occur only after the prescriber grants such authorization for each prescription.~~ pharmacist whose practice is located within this state may substitute one (1) medication for a therapeutically equivalent medication.

(ii) However, a pharmacist shall not substitute one (1) medication for a therapeutically equivalent medication if:

(a) A prescription is in writing and the prescriber indicates in his or her own handwriting by name or initial that no substitution is to be made;

(b) A prescription is not in writing and the prescriber expressly indicates that the prescription is to be dispensed as communicated; or

(c) The Arkansas State Board of Pharmacy has determined that a therapeutically equivalent medication should not be substituted and has notified all pharmacists of that determination.

(C)(i) Before dispensing, the pharmacist shall discuss verbally any suggested substitution with the patient and inform the patient that the patient has a right to refuse the substitution.

(ii) The discussion under subdivision (18)(C)(i) of this section shall include without limitation:

(a) Notification to the patient that the therapeutically equivalent drug does not contain the identical active ingredient present in the prescribed drug; and

(b) All differences in dosage and frequency between the prescribed drug and the therapeutically equivalent drug.

(D) The pharmacist shall send notice of the substitution to the prescriber in writing or by electronic communication within twenty-four (24) hours after the drug is dispensed to the patient.

(E) Subdivision (18)(B) of this section does not apply to specific acts of drug therapy management or disease state management delegated to a pharmacist based upon a written protocol or patient care plan approved by a physician under subdivision (17)(A)(ix) of this section;"

AND

Appropriately renumber the sections of the bill

The Amendment was read _____
By: Representative Bragg
JMB/JMB - 02-23-2021 13:35:04
JMB269

Chief Clerk