



ARIZONA STATE SENATE
Fifty-First Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1339

physicians; prescriptions; required patient examinations

Purpose

Allows licensees of the Arizona Medical Board, the Arizona Board of Osteopathic Examiners in Medicine and Surgery and the Naturopathic Physicians Medical Board to prescribe medications and prescription-only devices following an examination that occurs via telemedicine as outlined and allows pharmacists to dispense the ordered drugs, if the order meets certain requirements.

Background

Current law states it is unprofessional conduct for a person licensed by the Arizona Medical Board to prescribe, dispense or furnish prescription medication or a prescription-only device to a person unless the licensee first conducts a physical examination of the patient or has previously established a doctor-patient relationship. This stipulation does not apply to the following: 1) a physician providing temporary patient supervision on behalf of the patient's regular health professional; 2) emergency situations; 3) prescriptions written to prepare a patient for a medical examination; 4) prescriptions issued for a county or tribal public health department; 5) prescriptions dispensed to a contact as outlined who is believed to have had a significant exposure risk with a person diagnosed with a communicable disease; 6) prescriptions issued for administration of immunizations and vaccines; or 7) prescriptions for epinephrine auto-injectors dispensed to schools for emergency use.

Within the laws governing the Arizona Board of Osteopathic Examiners in Medicine and Surgery, unprofessional conduct includes prescribing, dispensing or furnishing prescription medicine or prescription-only devices to a person if the licensee has not conducted a physical examination or has not previously established a physician-patient relationship. This stipulation does not apply to: 1) emergencies; 2) prescriptions dispensed to a contact as outlined that is believed to have had a significant exposure risk with a person diagnosed with a communicable disease; or 3) prescriptions for epinephrine auto-injectors dispensed to schools for emergency use.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Modifies the definition of *unprofessional conduct* within statutes governing medical doctors (MD) and osteopathic physicians (DO) to allow prescribing medication or a prescription-only

devices following a physical examination *or mental health status examination*, rather than only listing the requirement for a physical examination.

2. Allows the examination performed by a DO, MD or doctor of naturopathic medicine (ND) to be conducted through telemedicine as outlined, unless the examination is to obtain a written certificate for medical marijuana.
3. Allows a DO, MD or ND to write prescriptions through a telemedicine program covered by the health care facility's policies and procedures as outlined.
4. States that a DO may prescribe medications or prescription-only devices when providing patient care on behalf of the patient's regular treating health professional and allows a MD or DO to prescribe when providing consultation requested by the patient's regular treating health professional.
5. Permits a pharmacist, pharmacy intern or graduate intern to dispense a drug on a prescription order that was issued as outlined, if the order was made or written in the same manner that a MD or DO is required to follow when prescribing or dispensing medications.
6. Makes technical and conforming changes.
7. Becomes effective on the general effective date.

Amendment adopted by Committee of the Whole

- Prohibits written certification for medical marijuana to be obtained by examinations performed via telemedicine.

Amendments Adopted by the House of Representatives

1. Allows a naturopathic physician to conduct a physical examination as outlined via telemedicine, unless the examination is to obtain a written certification for medical marijuana.
2. Allows pharmacists to dispense a drug based on a prescription order, if the order meets requirements as outlined.

Senate Action

HHS	2/12/14	DP	6-0-1-0
3 rd Read	2/24/14		29-0-1-0

House Action

Health	3/12/14	DPA	7-0-0-1
3 rd Read	4/15/14		60-0-0-0