SENATE BILL 1269

AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-1979.01, 32-1979.02 AND 32-1979.03; RELATING TO PHARMACISTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 32, chapter 18, article 3, Arizona Revised Statutes, is amended by adding sections 32-1979.01, 32-1979.02 and 32-1979.03, to read:

32-1979.01. Emergency refills; requirements; definitions

A. A pharmacist who is licensed pursuant to this chapter may dispense a one-time emergency refill for each prescription of a noncontrolled medication used to treat an ongoing medical condition if all the following conditions are met:

1. The pharmacy at which the pharmacist works has a record of the prescription of the medication in the name of the patient who is requesting it, but the prescription does not provide for an additional refill or has expired.

2. The refill is an extension of a consistent medication therapy without any change in dosage or frequency for at least twelve months as demonstrated by records maintained by the pharmacy.

3. In the exercise of the pharmacist's professional judgment:

   (a) The medication is prescribed for continuous and uninterrupted use.

   (b) Failure to dispense the medication to the patient could result in undesirable health consequences.

4. The pharmacist complies with all rules adopted by the board.

5. The pharmacist makes every reasonable effort to contact the prescriber to obtain authorization for a refill before dispensing the emergency refill.

6. The pharmacist informs the patient that the prescription was refilled pursuant to a one-time annual allowance and the patient must contact the prescriber to obtain additional refill authorizations.

7. The pharmacist notifies the prescriber within forty-eight hours after dispensing any emergency refill.

B. The amount of the medication dispensed pursuant to this section may not exceed:

1. A thirty-day supply for medications that are prepackaged in a form that prohibits the pharmacist from dispensing a lesser supply.

2. A seven-day supply for all other medications.

C. A pharmacist may dispense an additional seven-day supply of a medication dispensed pursuant to subsection B, paragraph 2 of this section if all of the following conditions are met:

1. The pharmacist makes every reasonable effort to contact the prescriber following the initial emergency refill and has received no response.

2. The pharmacist complies with all requirements specified in subsection A of this section.
3. THE TOTAL AMOUNT OF MEDICATION DISPENSED PURSUANT TO THIS SECTION DOES NOT EXCEED A FOURTEEN-DAY SUPPLY, EXCEPT AS PROVIDED IN SUBSECTION B, PARAGRAPH 1 OF THIS SECTION.

D. THE PHARMACY SHALL MAINTAIN A RECORD OF ANY EMERGENCY REFILL DISPENSED FOR AT LEAST ONE YEAR. THE RECORD SHALL INCLUDE ALL OF THE FOLLOWING:

1. THE PATIENT'S NAME AND ADDRESS.
2. THE ORIGINAL PRESCRIPTION NUMBER.
3. THE AMOUNT OF MEDICATION DISPENSED.
4. THE DISPENSING PHARMACIST'S EXPLANATION OF WHY, IN THE PHARMACIST'S PROFESSIONAL JUDGMENT, THE EMERGENCY REFILL WAS NECESSARY PURSUANT TO SUBSECTION A OF THIS SECTION.

E. A PHARMACIST MAY NOT DISPENSE AN EMERGENCY REFILL IF THE ORIGINAL PRESCRIPTION INCLUDED THE DIRECTION "DO NOT EMERGENCY REFILL".

F. THE PRESCRIBER OF THE ORIGINAL PRESCRIPTION DOES NOT INCUR ANY LIABILITY AS THE RESULT OF AN EMERGENCY REFILL PROVIDED PURSUANT TO THIS SECTION.

G. THE BOARD SHALL CONSULT WITH OTHER MEDICAL PROFESSIONAL LICENSING BOARDS, AS NECESSARY, WHEN ADOPTING RULES PURSUANT TO THIS SECTION.

H. A PHARMACIST WHO DOES NOT COMPLY WITH THIS SECTION IS SUBJECT TO DISCIPLINARY ACTION BY THE BOARD.

I. FOR THE PURPOSES OF THIS SECTION:

1. "EVERY REASONABLE EFFORT" MEANS MULTIPLE ATTEMPTS TO CONTACT THE PRESCRIBER OR THE PRESCRIBER'S SUPPORT STAFF THROUGH MULTIPLE MEANS, IF AVAILABLE, EXCEPT IN CASES WHEN THE EMERGENCY REFILL REQUEST IS RECEIVED AFTER HOURS AND THE PHARMACY HAS CONFIRMED THAT THE PRESCRIBER IS UNAVAILABLE.

2. "PRESCRIBER" MEANS THE DULY AUTHORIZED MEDICAL PROFESSIONAL WHO INITIATED THE ORIGINAL PRESCRIPTION ORDER FOR WHICH THE EMERGENCY REFILL IS DISPENSED.

32-1979.02. Oral fluoride varnish; prescription and administration authority; requirements

A. A PHARMACIST WHO IS LICENSED PURSUANT TO THIS CHAPTER AND WHO MEETS THE REQUIREMENTS OF THIS SECTION MAY PRESCRIBE AND ADMINISTER ORAL FLUORIDE VARNISH PURSUANT TO RULES ADOPTED BY THE BOARD.

B. A PHARMACIST WHO WISHES TO ADMINISTER ORAL FLUORIDE VARNISH PURSUANT TO THIS SECTION SHALL SUCCESSFULLY COMPLETE A COURSE OF TRAINING ACCREDITED BY THE ACCREDITATION COUNCIL FOR PHARMACY EDUCATION ON THE USE OF A CARIES RISK ASSESSMENT AND ORAL FLUORIDE VARNISH APPLICATION, OR OTHER BOARD-APPROVED TRAINING THAT COMPLIES WITH AMERICAN DENTAL ASSOCIATION GUIDELINES.

C. A PHARMACIST WHO ADMINISTERS ORAL FLUORIDE VARNISH PURSUANT TO THIS SECTION SHALL DO ALL OF THE FOLLOWING:
1. Perform a caries risk assessment with each patient and make any necessary referrals to a dentist or physician for moderate or high-risk patients within five business days.
2. Provide each patient with a fluoride record card to be shared with other providers to track fluoride treatments.
3. Inform each patient that fluoride varnish is not sufficient dental care and encourage each patient to see a dentist on a regular basis.
4. Make and keep records for at least one year following the administration of oral fluoride varnish.

D. A pharmacist may not give or receive, either directly or indirectly, a payment, kickback, rebate, bonus or other remuneration for a referral to a dentist or physician pursuant to subsection C of this section.

32-1979.03. Tobacco cessation drug therapies; prescription authority; requirements; definition

A. A pharmacist who is licensed pursuant to this chapter and who meets the requirements of this section may prescribe and dispense tobacco cessation drug therapies to a qualified patient pursuant to rules adopted by the board. Prescriptive authority is limited to nicotine-replacement tobacco cessation drug therapies, including prescription and nonprescription therapies.

B. A pharmacist who wishes to prescribe and dispense tobacco cessation drug therapies pursuant to this section shall successfully complete a course of training accredited by the Accreditation Council for Pharmacy Education in the subject area of tobacco cessation and successfully complete two hours of Accreditation Council for Pharmacy Education accredited tobacco cessation continuing education programs on license renewal. The course of training shall include all of the following:
   1. Epidemiology and health consequences of tobacco-containing products.
   2. Biological, psychological and sociocultural components of tobacco dependence.
   3. Assessment of a patient’s willingness to quit.
   5. Relapse prevention strategies.
   6. Approved medications used for nicotine addiction and the effectiveness of current drug therapies for smoking cessation.

C. A pharmacist who prescribes and dispenses prescription nicotine-replacement tobacco cessation drug therapies pursuant to this section shall:
   1. Notify the qualified patient’s designated primary care provider within seventy-two hours after the medication is prescribed.
2. Keep records that include the qualified patient's initial assessment information, the education provided and the medication plan, and any drug therapies prescribed. The records shall be made available to the qualified patient's designated primary care provider on request.

D. This section does not apply to pharmacists who are either:
1. Filling or refilling prescriptions for tobacco cessation products written by another provider.
2. Recommending nonprescription tobacco cessation therapies to a patient without a prescription.

E. For the purposes of this section, "qualified patient" means a patient who:
1. Is at least eighteen years of age.
2. Is enrolled in a structured tobacco cessation program consisting of an initial evaluation and appropriate follow-up visits with the pharmacist or primary care provider if prescribing a prescription nicotine replacement.
3. Has been educated on symptoms of nicotine toxicity and when to seek medical treatment.