

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

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)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 18, article 3, Arizona Revised
3 Statutes, is amended by adding sections 32-1979.01, 32-1979.02 and
4 32-1979.03, to read:

5 32-1979.01. Emergency refills; requirements; definitions

6 A. A PHARMACIST WHO IS LICENSED PURSUANT TO THIS CHAPTER MAY
7 DISPENSE A ONE-TIME EMERGENCY REFILL FOR EACH PRESCRIPTION OF A
8 NONCONTROLLED MEDICATION USED TO TREAT AN ONGOING MEDICAL CONDITION IF ALL
9 THE FOLLOWING CONDITIONS ARE MET:

10 1. THE PHARMACY AT WHICH THE PHARMACIST WORKS HAS A RECORD OF THE
11 PRESCRIPTION OF THE MEDICATION IN THE NAME OF THE PATIENT WHO IS
12 REQUESTING IT, BUT THE PRESCRIPTION DOES NOT PROVIDE FOR AN ADDITIONAL
13 REFILL OR HAS EXPIRED.

14 2. THE REFILL IS AN EXTENSION OF A CONSISTENT MEDICATION THERAPY
15 WITHOUT ANY CHANGE IN DOSAGE OR FREQUENCY FOR AT LEAST TWELVE MONTHS AS
16 DEMONSTRATED BY RECORDS MAINTAINED BY THE PHARMACY.

17 3. IN THE EXERCISE OF THE PHARMACIST'S PROFESSIONAL JUDGMENT:

18 (a) THE MEDICATION IS PRESCRIBED FOR CONTINUOUS AND UNINTERRUPTED
19 USE.

20 (b) FAILURE TO DISPENSE THE MEDICATION TO THE PATIENT COULD RESULT
21 IN UNDESIRABLE HEALTH CONSEQUENCES.

22 4. THE PHARMACIST COMPLIES WITH ALL RULES ADOPTED BY THE BOARD.

23 5. THE PHARMACIST MAKES EVERY REASONABLE EFFORT TO CONTACT THE
24 PRESCRIBER TO OBTAIN AUTHORIZATION FOR A REFILL BEFORE DISPENSING THE
25 EMERGENCY REFILL.

26 6. THE PHARMACIST INFORMS THE PATIENT THAT THE PRESCRIPTION WAS
27 REFILLED PURSUANT TO A ONE-TIME ANNUAL ALLOWANCE AND THE PATIENT MUST
28 CONTACT THE PRESCRIBER TO OBTAIN ADDITIONAL REFILL AUTHORIZATIONS.

29 7. THE PHARMACIST NOTIFIES THE PRESCRIBER WITHIN FORTY-EIGHT HOURS
30 AFTER DISPENSING ANY EMERGENCY REFILL.

31 B. THE AMOUNT OF THE MEDICATION DISPENSED PURSUANT TO THIS SECTION
32 MAY NOT EXCEED:

33 1. A THIRTY-DAY SUPPLY FOR MEDICATIONS THAT ARE PREPACKAGED IN A
34 FORM THAT PROHIBITS THE PHARMACIST FROM DISPENSING A LESSER SUPPLY.

35 2. A SEVEN-DAY SUPPLY FOR ALL OTHER MEDICATIONS.

36 C. A PHARMACIST MAY DISPENSE AN ADDITIONAL SEVEN-DAY SUPPLY OF A
37 MEDICATION DISPENSED PURSUANT TO SUBSECTION B, PARAGRAPH 2 OF THIS SECTION
38 IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

39 1. THE PHARMACIST MAKES EVERY REASONABLE EFFORT TO CONTACT THE
40 PRESCRIBER FOLLOWING THE INITIAL EMERGENCY REFILL AND HAS RECEIVED NO
41 RESPONSE.

42 2. THE PHARMACIST COMPLIES WITH ALL REQUIREMENTS SPECIFIED IN
43 SUBSECTION A OF THIS SECTION.

1 3. THE TOTAL AMOUNT OF MEDICATION DISPENSED PURSUANT TO THIS
2 SECTION DOES NOT EXCEED A FOURTEEN-DAY SUPPLY, EXCEPT AS PROVIDED IN
3 SUBSECTION B, PARAGRAPH 1 OF THIS SECTION.

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

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

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

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

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

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

23 I. FOR THE PURPOSES OF THIS SECTION:

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

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

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

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

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

43 C. A PHARMACIST WHO ADMINISTERS ORAL FLUORIDE VARNISH PURSUANT TO
44 THIS SECTION SHALL DO ALL OF THE FOLLOWING:

1 1. PERFORM A CARIES RISK ASSESSMENT WITH EACH PATIENT AND MAKE ANY
2 NECESSARY REFERRALS TO A DENTIST OR PHYSICIAN FOR MODERATE OR HIGH-RISK
3 PATIENTS WITHIN FIVE BUSINESS DAYS.

4 2. PROVIDE EACH PATIENT WITH A FLUORIDE RECORD CARD TO BE SHARED
5 WITH OTHER PROVIDERS TO TRACK FLUORIDE TREATMENTS.

6 3. INFORM EACH PATIENT THAT FLUORIDE VARNISH IS NOT SUFFICIENT
7 DENTAL CARE AND ENCOURAGE EACH PATIENT TO SEE A DENTIST ON A REGULAR
8 BASIS.

9 4. MAKE AND KEEP RECORDS FOR AT LEAST ONE YEAR FOLLOWING THE
10 ADMINISTRATION OF ORAL FLUORIDE VARNISH.

11 D. A PHARMACIST MAY NOT GIVE OR RECEIVE, EITHER DIRECTLY OR
12 INDIRECTLY, A PAYMENT, KICKBACK, REBATE, BONUS OR OTHER REMUNERATION FOR A
13 REFERRAL TO A DENTIST OR PHYSICIAN PURSUANT TO SUBSECTION C OF THIS
14 SECTION.

15 32-1979.03. Tobacco cessation drug therapies: prescription
16 authority; requirements; definition

17 A. A PHARMACIST WHO IS LICENSED PURSUANT TO THIS CHAPTER AND WHO
18 MEETS THE REQUIREMENTS OF THIS SECTION MAY PRESCRIBE AND DISPENSE TOBACCO
19 CESSATION DRUG THERAPIES TO A QUALIFIED PATIENT PURSUANT TO RULES ADOPTED
20 BY THE BOARD. PRESCRIPTIVE AUTHORITY IS LIMITED TO NICOTINE-REPLACEMENT
21 TOBACCO CESSATION DRUG THERAPIES, INCLUDING PRESCRIPTION AND
22 NONPRESCRIPTION THERAPIES.

23 B. A PHARMACIST WHO WISHES TO PRESCRIBE AND DISPENSE TOBACCO
24 CESSATION DRUG THERAPIES PURSUANT TO THIS SECTION SHALL SUCCESSFULLY
25 COMPLETE A COURSE OF TRAINING ACCREDITED BY THE ACCREDITATION COUNCIL FOR
26 PHARMACY EDUCATION IN THE SUBJECT AREA OF TOBACCO CESSATION AND
27 SUCCESSFULLY COMPLETE TWO HOURS OF ACCREDITATION COUNCIL FOR PHARMACY
28 EDUCATION ACCREDITED TOBACCO CESSATION CONTINUING EDUCATION PROGRAMS ON
29 LICENSE RENEWAL. THE COURSE OF TRAINING SHALL INCLUDE ALL OF THE
30 FOLLOWING:

31 1. EPIDEMIOLOGY AND HEALTH CONSEQUENCES OF TOBACCO-CONTAINING
32 PRODUCTS.

33 2. BIOLOGICAL, PSYCHOLOGICAL AND SOCIOCULTURAL COMPONENTS OF
34 TOBACCO DEPENDENCE.

35 3. ASSESSMENT OF A PATIENT'S WILLINGNESS TO QUIT.

36 4. DEVELOPMENT OF A QUIT PLAN.

37 5. RELAPSE PREVENTION STRATEGIES.

38 6. APPROVED MEDICATIONS USED FOR NICOTINE ADDICTION AND THE
39 EFFECTIVENESS OF CURRENT DRUG THERAPIES FOR SMOKING CESSATION.

40 7. NONPHARMACOLOGICAL AND BEHAVIORAL INTERVENTIONS.

41 C. A PHARMACIST WHO PRESCRIBES AND DISPENSES PRESCRIPTION
42 NICOTINE-REPLACEMENT TOBACCO CESSATION DRUG THERAPIES PURSUANT TO THIS
43 SECTION SHALL:

44 1. NOTIFY THE QUALIFIED PATIENT'S DESIGNATED PRIMARY CARE PROVIDER
45 WITHIN SEVENTY-TWO HOURS AFTER THE MEDICATION IS PRESCRIBED.

- 1 2. KEEP RECORDS THAT INCLUDE THE QUALIFIED PATIENT'S INITIAL
2 ASSESSMENT INFORMATION, THE EDUCATION PROVIDED AND THE MEDICATION PLAN,
3 AND ANY DRUG THERAPIES PRESCRIBED. THE RECORDS SHALL BE MADE AVAILABLE TO
4 THE QUALIFIED PATIENT'S DESIGNATED PRIMARY CARE PROVIDER ON REQUEST.
- 5 D. THIS SECTION DOES NOT APPLY TO PHARMACISTS WHO ARE EITHER:
6 1. FILLING OR REFILLING PRESCRIPTIONS FOR TOBACCO CESSATION
7 PRODUCTS WRITTEN BY ANOTHER PROVIDER.
8 2. RECOMMENDING NONPRESCRIPTION TOBACCO CESSATION THERAPIES TO A
9 PATIENT WITHOUT A PRESCRIPTION.
- 10 E. FOR THE PURPOSES OF THIS SECTION, "QUALIFIED PATIENT" MEANS A
11 PATIENT WHO:
12 1. IS AT LEAST EIGHTEEN YEARS OF AGE.
13 2. IS ENROLLED IN A STRUCTURED TOBACCO CESSATION PROGRAM CONSISTING
14 OF AN INITIAL EVALUATION AND APPROPRIATE FOLLOW-UP VISITS WITH THE
15 PHARMACIST OR PRIMARY CARE PROVIDER IF PRESCRIBING A PRESCRIPTION NICOTINE
16 REPLACEMENT.
17 3. HAS BEEN EDUCATED ON SYMPTOMS OF NICOTINE TOXICITY AND WHEN TO
18 SEEK MEDICAL TREATMENT.