State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HOUSE BILL 2075

AN ACT

AMENDING SECTIONS 32-2504, 32-2532, 36-2525 AND 36-2603, ARIZONA REVISED STATUTES; RELATING TO PRESCRIPTION ORDERS.

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

Section 1. Section 32-2504, Arizona Revised Statutes, is amended to read:

32-2504. Powers and duties; delegation of authority; rules; subcommittees; immunity

A. The board shall:
1. As its primary duty, protect the public from unlawful, incompetent, unqualified, impaired or unprofessional physician assistants.
2. License and regulate physician assistants pursuant to this chapter.
3. Order and evaluate physical, psychological, psychiatric and competency testing of licensees and applicants the board determines is necessary to enforce this chapter.
4. Review the credentials and the abilities of applicants for licensure whose professional records or physical or mental capabilities may not meet the requirements of this chapter.
5. Initiate investigations and determine on its own motion whether a licensee has engaged in unprofessional conduct or is or may be incompetent or mentally or physically unable to safely perform health care tasks.
6. Establish fees and penalties pursuant to section 32-2526.
7. Develop and recommend standards governing the profession.
8. Engage in the full exchange of information with the licensing and disciplinary boards and professional associations of other states and jurisdictions of the United States and foreign countries and a statewide association for physician assistants.
9. Direct the preparation and circulation of educational material the board determines is helpful and proper for its licensees.
10. Discipline and rehabilitate physician assistants pursuant to this chapter.
11. Beginning October 1, 2018, certify physician assistants for

THIRTY-DAY PRESCRIPTION PRIVILEGES FOR SCHEDULE II, SCHEDULE III, SCHEDULE IV AND SCHEDULE V CONTROLLED SUBSTANCES THAT ARE OPIOIDS OR BENZODIAZEPINE AND ninety-day prescription privileges for schedule II, or schedule III, SCHEDULE IV AND SCHEDULE V controlled substances that are not opioids or benzodiazepine if the physician assistant either:
   (a) Within the preceding three years of application, completed forty-five hours in pharmacology or clinical management of drug therapy or at the time of application is certified by a national commission on the certification of physician assistants or its successor.
   (b) Met any other requirement established by board rule.
B. The board may delegate to the executive director the board's authority pursuant to this section or section 32-2551. The board shall adopt a substantive policy statement pursuant to section 41-1091 for each
specific licensing and regulatory authority the board delegates to the executive director.

C. The board may make and adopt rules necessary or proper for the administration of this chapter.

D. The chairperson may establish subcommittees consisting of board members and define their duties as the chairperson deems necessary to carry out the functions of the board.

E. Board employees, including the executive director, temporary personnel and professional medical investigators, are immune from civil liability for good faith actions they take to enforce this chapter.

F. In performing its duties pursuant to subsection A of this section, the board may receive and review staff reports on complaints, malpractice cases and all investigations.

G. The chairperson and vice chairperson of the Arizona regulatory board of physician assistants are members of the committee on executive director selection and retention established by section 32-1403, subsection G, which is responsible for the appointment of the executive director pursuant to section 32-1405.

Sec. 2. Section 32-2532, Arizona Revised Statutes, is amended to read:

32-2532. Prescribing, administering and dispensing drugs; limits and requirements; notice

A. Except as provided in subsection F of this section, a physician assistant shall not prescribe, dispense or administer:

1. A schedule II or schedule III controlled substance as defined in the federal controlled substances act of 1970 (P.L. 91-513; 84 Stat. 1242; 21 United States Code section 802) without delegation by the supervising physician, board approval and United States drug enforcement administration registration.

2. A schedule IV or schedule V controlled substance as defined in the federal controlled substances act of 1970 without United States drug enforcement administration registration and delegation by the supervising physician.

3. Prescription-only medication without delegation by the supervising physician.

4. Prescription medication intended to perform or induce an abortion.

B. All prescription orders issued by a physician assistant shall contain the name, address and telephone number of the physician assistant. A physician assistant shall issue prescription orders for controlled substances under the physician assistant's own United States drug enforcement administration registration number.

C. Unless certified for ninety-day prescription privileges pursuant to section 32-2504, subsection A, a physician assistant shall not prescribe a schedule II or schedule III controlled substance for a period
exceeding seventy-two hours. If certified for prescription privileges pursuant to section 32-2504, subsection A, initial prescriptions for schedule II controlled substances that are opioids are subject to the limits prescribed in sections 32-3248 and 32-3248.01 if the physician assistant has been delegated to prescribe schedule II controlled substances by the supervising physician pursuant to this section. For each schedule IV or schedule V controlled substance, the physician assistant may not prescribe the controlled substance more than five times in a six-month period for each patient.

D. A prescription for a schedule II or III controlled substance that is an opioid or benzodiazepine is not refillable without the written consent of the supervising physician.

E. Prescription-only drugs shall not be dispensed, prescribed or refillable for a period exceeding one year.

F. Except in an emergency, a physician assistant may dispense schedule II or schedule III controlled substances for a period of use of not to exceed seventy-two hours with board approval or any other controlled substance for a period of use of not to exceed ninety days and may administer controlled substances without board approval if it is medically indicated in an emergency dealing with potential loss of life or limb or major acute traumatic pain. Notwithstanding the authority granted in this subsection, a physician assistant may not dispense a schedule II controlled substance that is an opioid, except for an implantable device or an opioid that is for medication-assisted treatment for substance use disorders.

G. Except for samples provided by manufacturers, all drugs dispensed by a physician assistant shall be:
   1. Prepackaged in a unit-of-use package by a pharmacist.
   2. Labeled to show the name of the physician assistant.

H. A physician assistant shall not obtain a drug from any source other than the supervising physician or a pharmacist. A physician assistant may receive manufacturers' samples if delegated to do so by the supervising physician.

I. If a physician assistant is approved by the board to prescribe, administer or dispense schedule II and schedule III controlled substances, the physician assistant shall maintain an up-to-date and complete log of all schedule II and schedule III controlled substances the physician assistant administers or dispenses. The board may not grant a physician assistant the authority to dispense schedule II controlled substances that are opioids, except for implantable devices or opioids that are for medication-assisted treatment for substance use disorders.

J. The board shall advise the Arizona state board of pharmacy and the United States drug enforcement administration of all physician assistants who are authorized to prescribe or dispense drugs and any modification of their authority.
K. The Arizona state board of pharmacy shall notify all pharmacies at least quarterly of physician assistants who are authorized to prescribe or dispense drugs.

Sec. 3. Section 36-2525, Arizona Revised Statutes, is amended to read:

36-2525. Prescription orders; labels; packaging; definition
A. In addition to the requirements of section 32-1968 pertaining to prescription orders for prescription-only drugs, the prescription order for a controlled substance shall bear the name, address and federal registration number of the prescriber. A prescription order for a schedule II controlled substance drug other than a hospital drug order for a hospital inpatient shall contain only one drug order per prescription blank. If authorized verbally by the prescriber, the pharmacist may make changes to correct errors or omissions made by the prescriber on the following parts of a written or electronic schedule II controlled substance prescription order:
1. The date issued.
2. The strength, dosage form or quantity of drug.
3. The directions for its use.
B. The pharmacist must document on the original prescription order the changes that were made pursuant to the verbal authorization and record the time and date the authorization was granted.
C. A person who is registered to dispense controlled substances under this chapter must keep and maintain prescription orders for controlled substances as follows:
1. Prescription orders for controlled substances listed in schedules I and II must be maintained in a separate prescription file for controlled substances listed in schedules I and II only.
2. Prescription orders for controlled substances listed in schedules III, IV and V must be maintained either in a separate prescription file for controlled substances listed in schedules III, IV and V only or in a form that allows them to be readily retrievable from the other prescription records of the registrant. For the purposes of this paragraph, "readily retrievable" means that, when the prescription is initially filed, the face of the prescription is stamped in red ink in the lower right corner with the letter "C" in a font that is not less than one inch high and that the prescription is filed in the usual consecutively numbered prescription file for noncontrolled substance prescriptions. The requirement to stamp the hard copy prescription with a red "C" is waived if a registrant employs an electronic data processing system or other electronic recordkeeping system for prescriptions that permits identification by prescription number and retrieval of original documents by the prescriber's name, patient's name, drug dispensed and date filled.
D. Except in emergency situations in conformity with subsection E of this section, under the conditions specified in subsections F and G of
this section or when dispensed directly by a medical practitioner to an
ultimate user, a controlled substance in schedule II shall not be
dispensed without either the written prescription order in ink or
indelible pencil or typewritten and manually signed by the medical
practitioner or an electronic prescription order as prescribed by federal
law or regulation. Beginning January 1, 2019 2020, a schedule II
controlled substance that is an opioid may be dispensed in a county with a
population of one hundred fifty thousand persons or more only with an
electronic prescription order as prescribed by federal law or regulation.
Beginning July 1, 2019, a schedule II controlled substance that is an
opioid may be dispensed in a county with a population of less than one
hundred fifty thousand persons only with an electronic prescription order
as prescribed by federal law or regulation. A prescription order for a
schedule II CONTROLLED substance shall not be dispensed more than ninety
days after the date on which the prescription order was
issued. Notwithstanding any other provision of this section, a pharmacy
may sell and dispense a schedule II controlled substance prescribed by a
medical practitioner who is located in another county in this state or in
another state if the prescription was issued to the patient according to
and in compliance with the applicable laws of the state of the prescribing
medical practitioner and federal law. A prescription order for a schedule
II controlled substance shall not be refilled. A PHARMACIST IS NOT IN
VIOLATION OF THIS SUBSECTION AND MAY DISPENSE A PRESCRIPTION ORDER IN THE
FOLLOWING CIRCUMSTANCES:

1. DURING ANY TIME PERIOD IN WHICH AN ESTABLISHED ELECTRONIC
PRESCRIBING SYSTEM OR A PHARMACY MANAGEMENT SYSTEM IS NOT OPERATIONAL OR
AVAILABLE IN A TIMELY MANNER. IF THE ELECTRONIC PRESCRIBING SYSTEM OR A
PHARMACY MANAGEMENT SYSTEM IS NOT OPERATIONAL OR AVAILABLE, THE PHARMACIST
MAY DISPENSE A PRESCRIPTION ORDER THAT IS WRITTEN FOR A SCHEDULE II
CONTROLLED SUBSTANCE THAT IS AN OPIOID. THE PHARMACIST MUST MAINTAIN A
RECORD, FOR A PERIOD OF TIME PRESCRIBED BY THE BOARD, OF WHEN THE
ELECTRONIC PRESCRIBING SYSTEM OR PHARMACY MANAGEMENT SYSTEM IS NOT
OPERATIONAL OR AVAILABLE IN A TIMELY MANNER.

2. THE PRESCRIPTION ORDER FOR A SCHEDULE II CONTROLLED SUBSTANCE
THAT IS AN OPIOID IS IN WRITING AND INDICATES THAT THE MEDICAL
PRACTITIONER WHO ISSUED THE PRESCRIPTION ORDER PROVIDED CARE FOR THE
PATIENT IN A VETERANS ADMINISTRATION FACILITY, A HEALTH FACILITY ON A
MILITARY BASE, AN INDIAN HEALTH SERVICES HOSPITAL OR OTHER INDIAN HEALTH
SERVICE FACILITY, OR A TRIBAL-OWNED CLINIC.

E. In emergency situations, emergency quantities of schedule II
controlled substances may be dispensed on an oral prescription order of a
medical practitioner. Such an emergency prescription order shall be
immediately reduced to writing by the pharmacist and shall contain all the
information required for schedule II controlled substances except for the
manual signing of the order by the medical practitioner. Within seven
days after authorizing an emergency oral prescription order, the
prescribing medical practitioner shall cause a written prescription order
manually signed for the emergency quantity prescribed to be delivered to
the dispensing pharmacist or an electronic prescription order to be
transmitted to the dispensing pharmacist. In addition to conforming to
other requirements for prescription orders for schedule II controlled
substances, the prescription order shall indicate electronically or have
written on its face "authorization for emergency dispensing" and the date
of the oral order. If the prescribing medical practitioner fails to
deliver such an emergency prescription order within seven days in
conformance with board rules, the pharmacist shall notify the board.
Failure of the pharmacist to notify the board voids the authority
conferred by this subsection to dispense without a prescription order of a
medical practitioner that is electronic or that is written and manually
signed.

F. NOTWITHSTANDING SUBSECTIONS D AND N OF THIS SECTION, the
following may be transmitted to a pharmacy by fax by a patient's medical
practitioner or the medical practitioner's agent MAY TRANSMIT TO A
PHARMACY BY FAX A PRESCRIPTION ORDER WRITTEN FOR A SCHEDULE II CONTROLLED
SUBSTANCE, INCLUDING OPIOIDS, IF THE PRESCRIPTION ORDER IS ANY OF THE
FOLLOWING:
1. A prescription order written for a schedule II controlled
   substance To be compounded for the direct administration to a patient by
   parenteral, intravenous, intramuscular, subcutaneous or intraspinal
   infusion.
2. A prescription order written for any schedule II controlled
   substance For a resident of a long-term care facility.
3. A prescription order written for a schedule II controlled
   substance For a patient WHO IS enrolled in a hospice care program that is
certified or paid for by medicare under title XVIII or a hospice program
that is licensed by this state. The medical practitioner or the medical
practitioner's agent must note on the prescription that the patient is a
hospice patient.

G. A fax transmitted pursuant to subsection F of this section is
the original written prescription order for purposes of this section and
must be maintained as required by subsection C of this section.

H. Except when dispensed directly by a medical practitioner to an
ultimate user, a controlled substance included in schedule III or IV that
requires a prescription order as determined under state or federal laws
shall not be dispensed without a written or oral prescription order of a
medical practitioner or an electronic prescription order as prescribed by
federal law or regulation. The prescription order shall not be filled or
refilled more than six months after the date on which the prescription
order was issued. A prescription order authorized to be refilled shall
not be refilled more than five times. Additional quantities may only be
authorized by the prescribing medical practitioner through issuance of a new prescription order that shall be treated by the pharmacist as a new and separate prescription order.

I. Except when dispensed directly by a medical practitioner to an ultimate user, a controlled substance that is included in schedule V and that requires a prescription order as determined under state or federal laws shall not be dispensed without a written or oral prescription order of a medical practitioner. The prescription order may be refilled as authorized by the prescribing medical practitioner but shall not be filled or refilled more than one year after the date of issuance.

J. A controlled substance that is listed in schedule III, IV or V and that does not require a prescription order as determined under state or federal laws may be dispensed at retail by a pharmacist or a pharmacy intern under the pharmacist's supervision without a prescription order to a purchaser who is at least eighteen years of age if all of the following are true:

1. It is for a legitimate medical purpose.
2. Not more than two hundred forty cubic centimeters (eight ounces) of any such controlled substance containing opium, nor more than one hundred twenty cubic centimeters (four ounces) of any other such controlled substance, nor more than forty-eight dosage units of any such controlled substance containing opium, nor more than twenty-four dosage units of any other controlled substance may be dispensed at retail to the same purchaser in any given forty-eight-hour period.
3. No more than one hundred dosage units of any single active ingredient ephedrine preparation may be sold, offered for sale, bartered or given away to any one person in any one thirty-day period.
4. The pharmacist or pharmacy intern requires every purchaser of a controlled substance under this subsection who is not known to that person to furnish suitable identification, including proof of age if appropriate.
5. A bound record book for dispensing controlled substances under this subsection is maintained by the pharmacist and contains the name and address of the purchaser, the name and quantity of the controlled substance purchased, the date of each purchase and the name or initials of the pharmacist or pharmacy intern who dispensed the substance to the purchaser. The book shall be maintained in conformity with the recordkeeping requirements of section 36-2523.

K. In the absence of a law requiring a prescription for a schedule V controlled substance, the board, by rules, may require, or remove the requirement of, a prescription order for a schedule V controlled substance.

L. The label on a container of a controlled substance that is directly dispensed by a medical practitioner or pharmacist and that is not for the immediate administration to the ultimate user, such as a bed patient in a hospital, shall bear the name and address of the dispensing
medical practitioner or pharmacist, the serial number, the date of
dispensing, the name of the prescriber, the name of the patient or, if an
animal, the name of the owner of the animal and the species of the animal,
the directions for use and cautionary statements, if any, contained in the
prescription order or required by law. If the controlled substance is
included in schedule II, III or IV, the label shall bear a transfer
warning to the effect: "Caution: federal law prohibits the transfer of
this drug to any person other than the patient for whom it was
prescribed". The container of a schedule II controlled substance that is
an opioid that is directly dispensed by a pharmacist and that is not for
the immediate administration to the ultimate user shall have a red cap and
a warning label prescribed by the board about potential addiction. The
board or the executive director, if delegated by the board, may waive the
red cap requirement if implementing the requirement is not feasible
because of the specific dosage form or packaging type.

M. Controlled substances in schedules II, III, IV and V may be
dispensed as electronically transmitted prescriptions if the prescribing
medical practitioner is all of the following:

1. Properly registered by the United States drug enforcement
administration.

2. Licensed in good standing in the United States jurisdiction in
which the medical practitioner practices.

3. Authorized to issue such prescriptions in the jurisdiction in
which the medical practitioner is licensed.

N. Notwithstanding any other provision of this section, beginning
January 1, 2019 2020, each prescription order, EXCEPT A PRESCRIPTION ORDER
UNDER SUBSECTION F OF THIS SECTION, that is issued by a medical
practitioner in a county with a population of one hundred fifty thousand
persons or more for a schedule II controlled substance that is an opioid
shall be transmitted electronically to the dispensing pharmacy.
Notwithstanding any other provision of this section, beginning July 1,
2019, each prescription order that is issued by a medical practitioner in
a county with a population of less than one hundred fifty thousand persons
for a schedule II controlled substance that is an opioid shall be
transmitted electronically to the dispensing pharmacy. A MEDICAL
PRACTITIONER IS NOT IN VIOLATION OF THIS SUBSECTION:

1. DURING ANY TIME IN WHICH AN ESTABLISHED ELECTRONIC PRESCRIBING
SYSTEM OR A PHARMACY MANAGEMENT SYSTEM IS NOT OPERATIONAL OR AVAILABLE IN
A TIMELY MANNER. IF THE ELECTRONIC PRESCRIBING SYSTEM OR A PHARMACY
MANAGEMENT SYSTEM IS NOT OPERATIONAL OR AVAILABLE, THE MEDICAL
PRACTITIONER MAY WRITE A PRESCRIPTION ORDER FOR A SCHEDULE II CONTROLLED
SUBSTANCE THAT IS AN OPIOID. THE MEDICAL PRACTITIONER SHALL INDICATE ON
THE WRITTEN PRESCRIPTION ORDER THAT THE ELECTRONIC PRESCRIBING SYSTEM OR
PHARMACY MANAGEMENT SYSTEM IS NOT OPERATIONAL OR AVAILABLE. THE MEDICAL
PRACTITIONER MUST MAINTAIN A RECORD, FOR A PERIOD OF TIME PRESCRIBED BY
THE BOARD, OF WHEN THE ELECTRONIC PRESCRIBING SYSTEM OR PHARMACY MANAGEMENT SYSTEM IS NOT OPERATIONAL OR AVAILABLE IN A TIMELY MANNER.

2. IF THE MEDICAL PRACTITIONER Writes a prescription order for a SCHEDULE II CONTROLLED SUBSTANCE THAT IS AN OPIOID THAT WILL BE DISPENSED FOR THE PATIENT FROM A VETERANS ADMINISTRATION FACILITY, A HEALTH FACILITY ON A MILITARY BASE, AN INDIAN HEALTH SERVICES HOSPITAL OR OTHER INDIAN HEALTH SERVICE FACILITY, OR A TRIBAL-OWNED CLINIC.

Q. The requirement in subsections D and N of this section for an electronic prescription order does not apply to a prescription order for a schedule II controlled substance that is an opioid that is issued for medication-assisted treatment for a substance use disorder.

P. The board, by rule, may provide additional requirements for prescribing and dispensing controlled substances.

Q. The board shall establish a process to grant a waiver for the requirement in subsections D and N of this section for electronic prescription orders to a medical practitioner who lacks adequate access to broadband or faces other hardships that prevent the medical practitioner from implementing electronic prescription orders. A pharmacist is not required to verify with a medical practitioner or the board whether the medical practitioner has received a waiver pursuant to this subsection.

Q. IN CONSULTATION WITH THE TASK FORCE ESTABLISHED PURSUANT TO SECTION 36-2603, THE BOARD MAY PRESCRIBE BY RULE ADDITIONAL EXCEPTIONS TO THE ELECTRONIC PRESCRIBING REQUIREMENTS SPECIFIED IN THIS SECTION FOR BOTH PHARMACISTS AND MEDICAL PRACTITIONERS.

R. NOTWITHSTANDING SUBSECTIONS D AND N OF THIS SECTION, A MEDICAL PRACTITIONER WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 21 IS NOT REQUIRED TO COMPLY WITH THE ELECTRONIC PRESCRIBING REQUIREMENTS OF SUBSECTIONS D AND N OF THIS SECTION UNTIL THE ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD DETERMINES THAT ELECTRONIC PRESCRIBING SOFTWARE IS WIDELY AVAILABLE FOR VETERINARIANS AND NOTIFIES THE ARIZONA STATE BOARD OF PHARMACY OF THAT DETERMINATION.

S. For the purposes of this section, "medication-assisted treatment" has the same meaning prescribed in section 32-3201.01.

Sec. 4. Section 36-2603, Arizona Revised Statutes, is amended to read:

36-2603. Computerized central database tracking system task force; consultation on electronic prescribing; membership

A. The board shall appoint a task force to help it administer the computerized central database tracking system, TO IDENTIFY EDUCATIONAL, OUTREACH AND SUPPORT SERVICES TO ADVANCE MEDICAL PRACTITIONERS' ADOPTION OF ELECTRONIC PRESCRIBING OF SCHEDULE II CONTROLLED SUBSTANCES AND PHARMACY IMPLEMENTATION OF SECTION 36-2525 AND TO CONSULT WITH REGARDING RECOMMENDATIONS FOR EXCEPTIONS TO THE ELECTRONIC PRESCRIBING REQUIREMENTS
PRESCRIBED IN SECTION 36-2525. The chairperson of the board shall chair the task force. The task force shall include the following members:

1. Pharmacists, medical practitioners and other licensed health care providers.
2. Representatives of professional societies and associations for pharmacists, medical practitioners and other licensed health care providers.
3. Representatives of professional licensing boards.
4. Representatives of the Arizona health care cost containment system administration.
5. Representatives of state and federal agencies that have an interest in the control of controlling controlled substances.
6. Criminal prosecutors.
7. REPRESENTATIVES OF A HEALTH INFORMATION ORGANIZATION IN THIS STATE.

B. The task force shall meet to establish the procedures and conditions relating to the release of prescription information pursuant to section 36-2604. The task force shall meet at least once each year and at the call of the chairperson.

C. Task force members serve at the pleasure of the board and are not eligible to receive compensation or reimbursement of expenses.

Sec. 5. Retroactivity
Section 36-2525, Arizona Revised Statutes, as amended by this act, applies retroactively to from and after December 31, 2018.

Sec. 6. Emergency
This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.