SB 1085

Introduced by
Senator Shope

AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1979.04; RELATING TO THE ARIZONA STATE BOARD OF PHARMACY.

(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 section 32-1979.04, to read:

32-1979.04. Pharmacists; independent testing; treatment; health conditions; health insurance coverage; definition

A. PURSUANT TO A STATEWIDE WRITTEN PROTOCOL APPROVED BY THE ARIZONA STATE BOARD OF PHARMACY, IN CONSULTATION WITH THE ARIZONA MEDICAL BOARD, A PHARMACIST MAY INDEPENDENTLY ORDER, PERFORM AND INTERPRET TESTS AUTHORIZED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION AND WAIVED UNDER THE CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988. A PHARMACIST MAY INDEPENDENTLY INITIATE THERAPY TO ELIGIBLE PERSONS WHO ARE AT LEAST THREE YEARS OF AGE AND WHO TEST POSITIVE FOR ANY OF THE FOLLOWING HEALTH CONDITIONS:

1. INFLUENZA.
2. GROUP A STREPTOCOCCUS PHARYNGITIS.
3. SARS-COV-2 OR ANY OTHER RESPIRATORY ILLNESS, CONDITION OR DISEASE.
4. A CONDITION RELATED TO AN EMERGING OR EXISTING PUBLIC HEALTH THREAT IDENTIFIED BY THE DEPARTMENT OF HEALTH SERVICES FOR WHICH A STATEWIDE STANDING ORDER, RULE OR EXECUTIVE ORDER IS ISSUED.

B. A PHARMACIST WHO ORDERS, CONDUCTS TESTING OR TREATS HEALTH CONDITIONS PURSUANT TO SUBSECTION A OF THIS SECTION SHALL USE ANY TEST THAT MAY GUIDE CLINICAL DECISION-MAKING FOR WHICH A WAIVER HAS BEEN OBTAINED UNDER THE CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988, OR THE FEDERAL RULES ADOPTED THEREUNDER, OR ANY SCREENING PROCEDURE THAT IS ESTABLISHED BY THE STATEWIDE WRITTEN PROTOCOL.

C. PHARMACISTS SHALL USE EVIDENCE-BASED CLINICAL GUIDELINES PUBLISHED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION OR THE INFECTIOUS DISEASES SOCIETY OF AMERICA OR OTHER CLINICALLY RECOGNIZED RECOMMENDATIONS IN PROVIDING PATIENT TREATMENT PURSUANT TO SUBSECTION A OF THIS SECTION.

D. AN ELIGIBLE PERSON MUST MEET CRITERIA FOR TREATMENT BASED ON CURRENT CLINICAL GUIDELINES, IF AVAILABLE, OR EVIDENCE-BASED RESEARCH FINDINGS THAT SPECIFY THE FOLLOWING:

1. PATIENT INCLUSION AND EXCLUSION CRITERIA.
2. EXPLICIT MEDICAL REFERRAL CRITERIA.

E. A PHARMACIST SHALL REFER A PATIENT TO THE PATIENT'S IDENTIFIED PRIMARY CARE PROVIDER, IF ONE IS IDENTIFIED, IF THE PATIENT EITHER:

1. IS NOT ELIGIBLE FOR PATIENT TREATMENT PURSUANT TO THIS SECTION AND PRESENTS WITH DIFFERENTIAL SYMPTOMS.
2. DOES NOT RESPOND TO THE INITIAL TREATMENT PROVIDED PURSUANT TO THIS SECTION.
F. A PHARMACIST WHO INITIATES A TREATMENT UNDER THIS SECTION SHALL:

1. NOTIFY THE PATIENT'S IDENTIFIED PRIMARY CARE PROVIDER, IF ONE IS IDENTIFIED, WITHIN SEVENTY-TWO HOURS AFTER INITIATING THE TREATMENT. THE NOTICE SHALL INCLUDE THE PATIENT'S NAME, THE TREATMENT INITIATED AND THE DATE OF TREATMENT AND MAY BE SUBMITTED BY PHONE, FAX, MAIL OR EMAIL. THE PHARMACIST SHALL MAKE A REASONABLE EFFORT TO IDENTIFY THE PATIENT'S PRIMARY CARE PROVIDER BY AT LEAST ONE OF THE FOLLOWING METHODS:

   (a) CHECKING PHARMACY RECORDS.

   (b) REQUESTING THE INFORMATION FROM THE PATIENT OR, FOR A PATIENT UNDER EIGHTEEN YEARS OF AGE, THE PATIENT'S PARENT OR GUARDIAN.

2. MAINTAIN A RECORD OF THE RESULTS OF ANY TESTING OR SCREENING FOR WHICH A TREATMENT IS INITIATED.

3. NOTIFY THE PATIENT'S IDENTIFIED PRIMARY CARE PROVIDER, IF ONE IS IDENTIFIED, WITHIN FORTY-EIGHT HOURS AFTER THE OCCURRENCE OF ANY ADVERSE REACTION THAT IS REPORTED TO OR WITNESSED BY THE PHARMACIST AS A RESULT OF THE TREATMENT.

4. PROVIDE INFORMATIONAL MATERIALS TO THE PATIENT REQUESTING TREATMENT OR, FOR A PATIENT UNDER EIGHTEEN YEARS OF AGE, TO THE PATIENT'S PARENT OR GUARDIAN ABOUT THE IMPORTANCE OF PEDIATRIC PREVENTIVE HEALTH CARE VISITS AS RECOMMENDED BY THE AMERICAN ACADEMY OF PEDIATRICS.


H. NOTWITHSTANDING ANY OTHER LAW, A HEALTH INSURER MAY NOT DENY REIMBURSEMENT FOR ANY TEST, SCREENING OR TREATMENT PERFORMED BY A PHARMACIST THAT IS WITHIN THE SCOPE OF THE PHARMACIST'S LICENSE AND WOULD BE COVERED IF THE TEST, SCREENING OR TREATMENT WERE PERFORMED BY A PHYSICIAN WHO IS LICENSED PURSUANT TO CHAPTER 13 OR 17 OF THIS TITLE, A REGISTERED NURSE PRACTITIONER WHO IS LICENSED PURSUANT TO CHAPTER 15 OF THIS TITLE OR A PHYSICIAN ASSISTANT WHO IS LICENSED PURSUANT TO CHAPTER 25 OF THIS TITLE.

I. THIS SECTION DOES NOT ESTABLISH A CAUSE OF ACTION AGAINST A PATIENT'S PRIMARY CARE PROVIDER FOR ANY ADVERSE REACTION, COMPLICATION OR NEGATIVE OUTCOME ARISING FROM THE TREATMENT INITIATED BY A PHARMACIST PURSUANT TO THIS SECTION IF THE TREATMENT IS INITIATED WITHOUT A PRESCRIPTION ORDER WRITTEN BY THE PATIENT'S PRIMARY CARE PROVIDER.

J. A PHARMACIST MAY NOT INDEPENDENTLY ORDER A TEST OR SCREENING OR TREAT A MINOR WITHOUT THE CONSENT OF THE MINOR'S PARENT OR GUARDIAN.