

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1555

By: Representative Harris

For An Act To Be Entitled

AN ACT TO MODIFY THE DEFINITION OF "PRESCRIPTION"
UNDER THE ARKANSAS PHARMACY ACT; TO ENSURE THE
PROTECTION OF PATIENTS WITH MENTAL ILLNESSES; AND FOR
OTHER PURPOSES.

Subtitle

TO MODIFY THE DEFINITION OF
"PRESCRIPTION" UNDER THE ARKANSAS
PHARMACY ACT; AND TO ENSURE THE
PROTECTION OF PATIENTS WITH MENTAL
ILLNESSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-92-101(17), concerning the definition of "prescription" for the Arkansas Pharmacy Act, is amended to read as follows:

(17)(A) "Prescription" means an order for medicine or medicines usually written as a formula by a physician, optometrist, dentist, veterinarian, or other licensed medicinal practitioner, ~~It~~ that contains the names and quantities of the desired substance, with instructions to the pharmacist for its preparation and to the patient for the use of the medicine at a particular time and may authorize the pharmacist to substitute a therapeutically equivalent drug that is at a lower cost to the patient and communicate that authorization by any generally accepted means of communication of a prescription from a prescriber to a pharmacist.

(B) A substitution of a therapeutically equivalent drug shall occur only after the prescriber grants ~~such~~ an authorization for each



prescription.

(C)(i) Before dispensing, the pharmacist shall ~~discuss~~ verbally discuss any suggested substitution with the patient and inform the patient that the patient has a right to refuse the substitution.

(ii) The discussion under subdivision (17)(C)(i) of this section shall include without limitation:

(a) Notification to the patient that the therapeutically equivalent drug does not contain the identical active ingredient present in the prescribed drug; and

(b) All differences in dosage and frequency between the prescribed drug and the therapeutically equivalent drug.

(D) The pharmacist shall send notice of the substitution to the prescriber in writing or by electronic communication within twenty-four (24) hours after the drug is dispensed to the patient.

(E) Subdivision (17)(B) of this section does not apply to:
(i) ~~specific~~ Specific acts of drug therapy management or disease state management delegated to a pharmacist based upon a written protocol or patient care plan approved by a physician under § 17-92-101(16)(A)(ix); or

(ii) Antipsychotic medications;