

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1164

By: Representative Pilkington

For An Act To Be Entitled

AN ACT TO AUTHORIZE A PHARMACIST TO DISPENSE ORAL
CONTRACEPTIVES WITHOUT A PRESCRIPTION; AND FOR OTHER
PURPOSES.

Subtitle

TO AUTHORIZE A PHARMACIST TO DISPENSE
ORAL CONTRACEPTIVES WITHOUT A
PRESCRIPTION.

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

SECTION 1. Arkansas Code § 17-92-101(16)(A), concerning the definition of "practice of pharmacy", is amended to read as follows:

(16)(A) "Practice of pharmacy" means the healthcare provider profession of:

(i)(a) Dispensing, selling, distributing, transferring possession of, vending, bartering, or, in accordance with ~~regulations~~ rules adopted by the Arkansas State Board of Pharmacy, administering drugs, medicines, poisons, or chemicals that under the laws of the United States or the State of Arkansas may be sold or dispensed only on the prescription and order of a practitioner authorized by law to prescribe drugs, medicines, poisons, or chemicals.

(b) Except as limited by rules adopted by the Arkansas State Board of Pharmacy, a pharmacist has the ability to administer medications.

(c) Influenza vaccines and influenza immunizations may be administered to a person seven (7) years of age and



older under a general written protocol.

(d) Vaccines and immunizations other than influenza vaccines and influenza immunizations may be administered to a person from seven (7) years of age to eighteen (18) years of age under a patient-specific order or prescription and subject to reporting of the administration to the prescribing physician together with any reporting required under § 20-15-1203.

(e) Vaccines and immunizations other than influenza vaccines and influenza immunizations may be administered to a person eighteen (18) years of age or older under a general written protocol.

(f) Medications other than vaccines and immunizations may be administered to a person seven (7) years of age or older under a patient-specific order or prescription and subject to reporting of the administration to the prescribing physician.

(g) A general written protocol under subdivisions (16)(A)(i)(c) and (e) of this section and patient-specific orders or prescriptions under subdivisions (16)(A)(i)(d) and (f) of this section shall be from a physician licensed by the Arkansas State Medical Board and practicing in Arkansas or within fifty (50) miles of the Arkansas border.

(h) ~~Pursuant to~~ Under a statewide protocol, a pharmacist may initiate therapy and administer or dispense, or both, Naloxone;

(ii) Placing, packing, pouring, or putting into a container for dispensing, sale, distribution, transfer of, possession of, vending, or bartering any drug, medicine, poison, or chemical that under the laws of the United States or the State of Arkansas may be sold or dispensed only on the prescription of a practitioner authorized by law to prescribe drugs, medicines, poisons, or chemicals;

(iii) Placing in or affixing upon any container described in subdivision (16)(A)(ii) of this section a label required to be placed upon drugs, medicines, poisons, or chemicals sold or dispensed upon prescription of a practitioner authorized by law to prescribe those drugs, medicines, poisons, or chemicals;

(iv) Preparing, typing, or writing labels to be placed in or affixed on any container described in subdivision (16)(A)(ii) of

this section, which label is required to be placed upon drugs, medicines, poisons, or chemicals sold or dispensed upon prescription of a practitioner authorized by law to prescribe those drugs, medicines, poisons, or chemicals;

(v) Interpreting prescriptions for drugs, medicines, poisons, or chemicals issued by practitioners authorized by law to prescribe drugs, medicines, poisons, or chemicals that may be sold or dispensed only on prescription;

(vi) Selecting, taking from, and replacing upon shelves in the prescription department of a pharmacy or apothecary drugs, medicines, chemicals, or poisons that are required by the laws of the United States or the State of Arkansas to be sold or dispensed only on prescription of a practitioner authorized by law to prescribe them;

(vii) Compounding, mixing, preparing, or combining drugs, medicines, chemicals, or poisons that under the laws of the United States or the State of Arkansas may be sold or dispensed only on the prescription of a practitioner authorized by law to prescribe them;

(viii) Advising and providing information concerning utilization of drugs and devices and participation in drug utilization reviews;

(ix)(a) Performing a specific act of drug therapy management or disease state management delegated to a pharmacist for an individual patient based upon a written protocol or a patient care plan approved by a physician, ~~who shall be~~ licensed in this state under the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq.

(b) Drug therapy management ~~shall~~ does not include the selection of drug products not prescribed by the physician unless the drug products are either named in the physician-initiated protocol or the physician-approved patient care plan;

(x) Providing pharmacy care; ~~and~~

(xi) Providing pharmacokinetic services; and

(xii) Providing oral contraceptives to an individual who is eighteen (18) years of age or older.

SECTION 2. Arkansas Code Title 17, Chapter 92, Subchapter 1, is amended to add an additional section to read as follows:

17-92-117. Oral contraceptives.

(a) A pharmacist who provides oral contraceptives under § 17-92-101(16)(A)(xii) shall:

(1) Complete a training program approved by the Arkansas State Board of Pharmacy and the Arkansas State Medical Board related to oral contraceptives;

(2) Advise the patient to consult with a primary care practitioner;

(3) Provide the patient with:

(A) Documentation about the oral contraceptive that was provided;

(B) A standardized factsheet that includes without limitation:

(i) The indications and contraindications for use of the oral contraceptive;

(ii) The appropriate method for using the oral contraceptive;

(iii) The importance of medical follow-up visits;
and

(iv) Other appropriate information as determined by the Arkansas State Board of Pharmacy and the Arkansas State Medical Board;

(C) A self-screening risk assessment tool developed or approved by both the Arkansas State Board of Pharmacy and the Arkansas State Medical Board; and

(D) Contact information of a primary care practitioner or women's healthcare practitioner and a recommendation that the patient be seen for a medical follow up within a reasonable period of time after provision of the oral contraceptive; and

(4) Either dispense the oral contraceptives or refer the patient to a pharmacy that dispenses the oral contraceptives as soon as practicable after the pharmacist determines that the patient should receive the oral contraceptive.

(b) A pharmacist may charge an annual administrative fee for services provided under this section and § 17-92-101(16)(A)(xii) in addition to any costs associated with the dispensing of the oral contraceptive and paid by the pharmacy benefit.

(c)(1) A pharmacist or a pharmacy employee shall disclose the total cost that a patient would pay for pharmacist-provided oral contraceptives.

(2) As used in subdivision (c)(1) of this section, "total cost" means the price of the oral contraceptive and the price of the administrative fee.

(d)(1) All state and federal laws governing insurance coverage of contraceptive drugs, devices, products, and services apply to oral contraceptives provided by a pharmacist under this section and § 17-92-101(16)(A)(xii).

(2) Patients who are insured or covered and receive a pharmacy benefit that covers the cost of oral contraceptives shall not pay an administrative fee but shall pay any co-payments under the insurance policy.

(e) A pharmacist who is acting in good faith and with reasonable care involved in the provision of oral contraceptives under this section and § 17-92-101(16)(A)(xii) is immune from:

(1) Disciplinary or adverse administrative actions for acts or omissions during the provision of oral contraceptives; and

(2) Civil liability in the absence of gross negligence or willful misconduct for actions authorized under this section and § 17-92-101(16)(A)(xii).