32-LS0468\A
Dunmire
2/10/21

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATOR REVAK

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

"An Act relating to the Board of Pharmacy; relating to health care services provided by pharmacists and pharmacy technicians; and relating to the practice of pharmacy."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 08.80.030(b) is amended to read:

(b) In order to fulfill its responsibilities, the board has the powers necessary for implementation and enforcement of this chapter, including the power to

(1) elect a president and secretary from its membership and adopt rules for the conduct of its business;

(2) license by examination or by license transfer the applicants who are qualified to engage in the practice of pharmacy;

(3) assist the department in inspections and investigations for violations of this chapter, or of any other state or federal statute relating to the practice of pharmacy;

(4) adopt regulations to carry out the purposes of this chapter;

(5) establish and enforce compliance with professional standards and rules of conduct for pharmacists engaged in the practice of pharmacy;

(6) determine standards for recognition and approval of degree programs of schools and colleges of pharmacy whose graduates shall be eligible for licensure in this state, including the specification and enforcement of requirements for practical training, including internships;

(7) establish for pharmacists and pharmacies minimum specifications for the physical facilities, technical equipment, personnel, and procedures for the storage, compounding, and dispensing of drugs or related devices, and for the monitoring of drug therapy**, including independent monitoring of drug therapy**;

(8) enforce the provisions of this chapter relating to the conduct or competence of pharmacists practicing in the state, and the suspension, revocation, or restriction of licenses to engage in the practice of pharmacy;

(9) license and regulate the training, qualifications, and employment of pharmacy interns and pharmacy technicians;

(10) issue licenses to persons engaged in the manufacture and distribution of drugs and related devices;

(11) establish and maintain a controlled substance prescription database as provided in AS 17.30.200;

(12) establish standards for the independent **prescribing and** administration [BY A PHARMACIST] of vaccines and related emergency medications under AS 08.80.168, including the completion of an immunization training program approved by the board;

(13) establish standards for the independent **prescribing and** dispensing by a pharmacist of an opioid overdose drug under AS 17.20.085, including the completion of an opioid overdose training program approved by the board;

(14) require that a licensed pharmacist register with the controlled substance prescription database under AS 17.30.200(n);

(15) establish the qualifications and duties of the executive administrator and delegate authority to the executive administrator that is necessary to conduct board business;

(16) license and inspect the facilities of wholesale drug distributors, third-party logistics providers, and outsourcing facilities located outside the state under AS 08.80.159.

*** Sec. 2.** AS 08.80.045 is amended by adding a new subsection to read:

(c) Except as otherwise provided in a regulation under (b) of this section, a pharmacist may prescribe, dispense, and administer nonprescription drugs or devices.

*** Sec. 3.** AS 08.80.155 is amended to read:

Sec. 08.80.155. Emergency permit. The board shall adopt regulations regarding the issuance of an emergency permit to practice **under this chapter** [PHARMACY].

*** Sec. 4.** AS 08.80.168(a) is amended to read:

(a) A pharmacist may independently **prescribe and** administer a vaccine and related emergency medication if the pharmacist has completed an immunization training program approved by the board and otherwise complies with the standards established by the board under AS 08.80.030(b).

*** Sec. 5.** AS 08.80.168(b) is amended to read:

(b) A pharmacist may independently **prescribe and administer** [DISPENSE] an opioid overdose drug if the pharmacist has completed an opioid overdose drug training program approved by the board and otherwise complies with the standards established by the board under AS 08.80.030(b).

*** Sec. 6.** AS 08.80.168 is amended by adding a new subsection to read:

(d) A pharmacy technician working under the immediate supervision of a pharmacist who meets the requirements of (a) of this section may administer a vaccine or related emergency medication if the pharmacy technician is authorized by the board to do so.

*** Sec. 7.** AS 08.80.297(a) is amended to read:

(a) A pharmacist **or person acting at the direction of a pharmacist** shall disclose the price of filling any prescription when requested by the consumer.

*** Sec. 8.** AS 08.80 is amended by adding a new section to article 3 to read:

Sec. 08.80.337. Other patient care services. (a) A pharmacist may, under a collaborative practice agreement with a written protocol approved by a practitioner,

provide patient care services for a disease or condition with an existing diagnosis and for a condition that does not require a new diagnosis.

(b) A pharmacist may independently provide patient care services for

(1) general health and wellness;

(2) disease prevention; and

(3) optimization of medication therapy for a condition that

(A) is minor and generally self limiting;

(B) has a test that is used to guide diagnosis or clinical decision-making and the test is waived under 42 U.S.C. 263a (Clinical Laboratory Improvement Amendments of 1988); or

(C) falls under a statewide standing order from the chief medical officer in the Department of Health and Social Services.

(c) In this section, "patient care services" means medical care services given in exchange for compensation intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process.

*** Sec. 9.** AS 08.80.480(12) is amended to read:

(12) "equivalent drug product" means a drug product that has the same established name, active ingredients, strength or concentration, [DOSAGE FORM,] and route of administration and that is formulated to contain the same amount of active ingredients in the same dosage form and to meet the same compendia or other applicable standards for strength, quality, purity, and identity, but that may differ in characteristics such as shape, scoring configuration, packaging, excipients including colors, flavors, preservatives, and expiration time;

*** Sec. 10.** AS 08.80.480(30) is amended to read:

(30) "practice of pharmacy" means the interpretation, evaluation, and dispensing of prescription drug orders in the patient's best interest; participation in drug and device selection, drug administration, drug regimen reviews, and drug or drug-related research; provision of patient counseling and the provision of those acts or services necessary to provide pharmaceutical care; the **independent prescribing, dispensing, and** administration of [VACCINES AND RELATED EMERGENCY

MEDICATION; THE INDEPENDENT DISPENSING OF OPIOID OVERDOSE] drugs **in accordance with AS 08.80.168**; the responsibility for compounding and labeling of drugs and devices except labeling by a manufacturer, repackager, or distributor of nonprescription drugs and commercially packaged legend drugs and devices; proper and safe storage of drugs and devices; and maintenance of proper records for them;

*** Sec. 11.** AS 21.36.090(d) is amended to read:

(d) Except to the extent necessary to comply with AS 21.42.365 and AS 21.56, a person may not practice or permit unfair discrimination against a person who provides a service covered under a group health insurance policy that extends coverage on an expense incurred basis, or under a group service or indemnity type contract issued by a health maintenance organization or a nonprofit corporation, if the service is within the scope of the provider's occupational license. In this subsection, "provider" means a state licensed physician, physician assistant, dentist, osteopath, optometrist, chiropractor, advanced practice registered nurse, **pharmacist,** naturopath, physical therapist, occupational therapist, marital and family therapist, psychologist, psychological associate, licensed clinical social worker, licensed professional counselor, or certified direct-entry midwife.