

Senate File 2322 - Introduced

SENATE FILE 2322
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3146)

A BILL FOR

1 An Act relating to the practice of pharmacy, including the
2 administration of certain drugs and vaccines and the
3 establishment of technician product verification programs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.107, subsection 2, Code 2018, is
2 amended to read as follows:

3 2. a. A ~~pharmacist~~, physician, dentist, podiatric
4 physician, or prescribing psychologist who dispenses
5 prescription drugs, including but not limited to controlled
6 substances, for human use, may delegate nonjudgmental
7 dispensing functions to staff assistants only when verification
8 of the accuracy and completeness of the dispensing is
9 determined by the ~~pharmacist or practitioner~~ in the
10 ~~pharmacist's or practitioner's~~ physical presence. However, the
11 physical presence requirement does not apply when a ~~pharmacist~~
12 ~~or practitioner~~ is utilizing an automated dispensing system,
13 ~~when a pharmacist is utilizing a tech-check-tech program, as~~
14 ~~defined in [section 155A.3](#); or when a pharmacist is remotely~~
15 ~~supervising a certified pharmacy technician practicing~~
16 ~~at a telepharmacy site approved by the board of pharmacy.~~
17 When using an automated dispensing system, the ~~pharmacist~~
18 ~~or practitioner~~ shall utilize an internal quality control
19 assurance plan that ensures accuracy for dispensing. ~~When~~
20 ~~using a tech-check-tech program or when remotely supervising~~
21 ~~a certified pharmacy technician practicing at an approved~~
22 ~~telepharmacy site, the pharmacist shall utilize an internal~~
23 ~~quality control assurance plan, in accordance with rules~~
24 ~~adopted by the board of pharmacy, that ensures accuracy~~
25 ~~for dispensing. Verification of automated dispensing,~~
26 ~~tech-check-tech, and telepharmacy practice accuracy and~~
27 completeness remains the responsibility of the ~~pharmacist~~
28 ~~or practitioner~~ and shall be determined in accordance with
29 rules adopted by ~~the board of pharmacy~~, the board of medicine,
30 the dental board, the board of podiatry, and the board of
31 psychology for their respective licensees.

32 b. A dentist, physician, podiatric physician, or prescribing
33 psychologist who dispenses prescription drugs, other than drug
34 samples, pursuant to [this subsection](#), shall report the fact
35 that they dispense prescription drugs with the practitioner's

1 respective board at least biennially.

2 *c.* A physician, dentist, podiatric physician, or prescribing
3 psychologist who dispenses prescription drugs, other than drug
4 samples, pursuant to [this subsection](#), shall offer to provide
5 the patient with a written prescription that may be dispensed
6 from a pharmacy of the patient's choice or offer to transmit
7 the prescription orally, electronically, or by facsimile in
8 accordance with [section 155A.27](#) to a pharmacy of the patient's
9 choice.

10 *d.* A pharmacist who dispenses prescription drugs, including
11 but not limited to controlled substances, for human use, may
12 delegate nonjudgmental dispensing functions to a certified
13 pharmacy technician only when verification of the accuracy and
14 completeness of the dispensing is determined by the pharmacist
15 in the pharmacist's physical presence. The pharmacist's
16 verification of the accuracy of the prescription drug dispensed
17 shall not be required when verified by a certified pharmacy
18 technician in a technician product verification program or a
19 tech-check-tech program as defined in section 155A.3. The
20 pharmacist's physical presence shall not be required when
21 the pharmacist is remotely supervising pharmacy personnel
22 operating in an approved telepharmacy site or when utilizing
23 an automated dispensing system that utilizes an internal
24 quality control assurance plan. When utilizing a technician
25 product verification program or tech-check-tech program, or
26 when remotely supervising pharmacy personnel operating at an
27 approved telepharmacy site, the pharmacist shall utilize an
28 internal quality control assurance plan, in accordance with
29 rules adopted by the board of pharmacy, that ensures accuracy
30 for dispensing. Automated dispensing verification, technician
31 product verification, and telepharmacy practice accuracy and
32 completeness remains the responsibility of the pharmacist and
33 shall be determined in accordance with rules adopted by the
34 board of pharmacy.

35 Sec. 2. Section 155A.3, Code 2018, is amended by adding the

1 following new subsections:

2 NEW SUBSECTION. 42A. *“Statewide protocol”* means a framework
3 developed and issued by the board that specifies the conditions
4 under which pharmacists are authorized to dispense a medication
5 or category of medications when providing a clinical service.

6 NEW SUBSECTION. 43A. *“Technician product verification”*
7 means the process by which a certified pharmacy technician
8 provides the final product verification for prescription
9 drugs or devices filled or prepared by a registered pharmacy
10 technician, pharmacist-intern, or with an automated dispensing
11 system.

12 Sec. 3. Section 155A.6A, subsection 4, Code 2018, is amended
13 to read as follows:

14 4. The board shall adopt rules in accordance with
15 chapter 17A on matters pertaining to pharmacy technician
16 registration, application, forms, renewals, fees, termination
17 of registration, tech-check-tech programs, technician product
18 verification programs, national certification, training, and
19 any other relevant matters.

20 Sec. 4. Section 155A.33, Code 2018, is amended to read as
21 follows:

22 **155A.33 Delegation of technical functions.**

23 A pharmacist may delegate technical dispensing functions
24 to pharmacy technicians, but only if the pharmacist is
25 physically present to verify the accuracy and completeness
26 of the patient’s prescription prior to the delivery of the
27 prescription to the patient or the patient’s representative.
28 However, the physical presence requirement does not apply
29 when a pharmacist is utilizing an automated dispensing system
30 or a ~~tech-check-tech~~ technician product verification program
31 or when a pharmacist is remotely supervising a certified
32 pharmacy technician practicing at a telepharmacy site approved
33 by the board. When using an automated dispensing system or
34 a ~~tech-check-tech~~ technician product verification program,
35 or when remotely supervising a certified pharmacy technician

1 practicing at an approved telepharmacy site, the pharmacist
2 shall utilize an internal quality control assurance plan that
3 ensures accuracy for dispensing. Verification of automated
4 dispensing, ~~tech-check-tech~~ technician product verification,
5 and telepharmacy practice accuracy and completeness remains the
6 responsibility of the pharmacist and shall be determined in
7 accordance with rules adopted by the board.

8 Sec. 5. NEW SECTION. **155A.33A Technician product**
9 **verification programs.**

10 1. A pharmacist in charge of a pharmacy located in this
11 state may formally establish a technician product verification
12 program to optimize the provision of pharmacist patient care
13 services. The board shall require a pharmacist in charge
14 intending to implement a technician product verification
15 program to submit a program plan for board consideration and
16 approval. The plan shall demonstrate that onsite practice
17 hours for a pharmacist will not be reduced but will be
18 redistributed directly to patient care activities.

19 2. The board shall adopt rules for the development,
20 implementation, and oversight of technician product
21 verification programs. The rules shall address program policy
22 and procedures, pharmacist and pharmacy technician training,
23 program quality assurance and evaluation, recordkeeping,
24 redistribution of pharmacist activities, and other matters
25 necessary for the development, implementation, and oversight
26 of the program.

27 Sec. 6. NEW SECTION. **155A.46 Statewide protocols.**

28 1. *a.* A pharmacist may, pursuant to statewide protocols
29 developed by the board in consultation with the department
30 of public health and consistent with subsection 2, order and
31 administer the following to patients ages eighteen years and
32 older:

- 33 (1) Naloxone.
34 (2) Nicotine replacement tobacco cessation products.
35 (3) An immunization or vaccination recommended by the

1 United States centers for disease control and prevention
2 advisory committee on immunization practices in its approved
3 vaccination schedule for adults.

4 (4) An immunization or vaccination recommended by the
5 United States centers for disease control and prevention for
6 international travel.

7 (5) A Tdap (tetanus, diphtheria, acellular pertussis)
8 vaccination in a booster application.

9 (6) Other emergency immunizations or vaccinations in
10 response to a public health emergency.

11 *b.* A pharmacist may, pursuant to statewide protocols
12 developed by the board in consultation with the department
13 of public health and consistent with subsection 2, order and
14 administer the following to patients ages six months and older:

15 (1) A vaccine or immunization for influenza.

16 (2) Other emergency immunizations or vaccines in response
17 to a public health emergency.

18 *c.* A pharmacist may, pursuant to statewide protocols
19 developed by the board in consultation with the department
20 of public health and consistent with subsection 2, order and
21 administer the final two doses in a course of vaccinations for
22 HPV to patients ages eleven years and older.

23 *d.* Prior to the ordering and administration of a vaccination
24 or immunization authorized by this subsection, pursuant to
25 statewide protocols, a licensed pharmacist shall consult
26 and review the statewide immunization registry or health
27 information network. The board shall adopt rules requiring the
28 reporting of the administration of vaccines and immunizations
29 authorized by this subsection to a patient's primary health
30 care provider, primary physician, and a statewide immunization
31 registry or health information network.

32 2. A pharmacist administering a prescription drug, product,
33 test, or treatment pursuant to subsection 1 shall do all of the
34 following:

35 *a.* Maintain a record of all prescription drugs, products,

1 tests, and treatments administered pursuant to this section.

2 *b.* Notify the patient's primary health care provider
3 of any prescription drugs, products, tests, or treatments
4 administered to the patient, or enter such information in a
5 patient record system also used by the primary health care
6 provider, as permitted by the primary health care provider. If
7 the patient does not have a primary health care provider, the
8 pharmacist shall provide the patient with a written record of
9 the prescription drugs, products, tests, or treatment provided
10 to the patient and shall advise the patient to consult a
11 physician.

12 *c.* Complete annual continuing pharmacy education related to
13 administration protocols recognized and approved by the board.

14 Sec. 7. REPEAL. Sections 155A.34 and 155A.44, Code 2018,
15 are repealed.

16

EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill alters the practice of pharmacy by modifying
20 the circumstances under which a pharmacist can delegate
21 prescription verification duties to employees. The bill
22 also permits pharmacists to prescribe and administer certain
23 medications and treatments.

24 The bill creates a technician product verification program
25 by which a pharmacist can instruct a pharmacy technician
26 to verify the accuracy of any dispensed prescriptions and
27 undertake other technical functions for the purpose of
28 allowing the pharmacist to spend more time on patient care
29 activities. The bill directs the board of pharmacy to adopt
30 rules establishing the requirements for technician product
31 verification programs.

32 The bill also permits pharmacists to order and administer
33 to a person 18 years of age or older naloxone, nicotine
34 replacement, tobacco cessation products, immunizations
35 or vaccinations recommended by the United States centers

1 for disease control and prevention advisory committee on
2 immunization practices in its approved vaccination schedule
3 for adults, immunizations recommended by the United States
4 centers for disease control and prevention for international
5 travel, Tdap vaccinations in booster applications, and other
6 emergency immunizations or vaccinations in response to a
7 public health emergency, pursuant to statewide protocols
8 adopted by the board of pharmacy in consultation with the
9 department of public health. A pharmacist may also administer,
10 pursuant to statewide protocols, to patients six months of
11 age or older a vaccine or immunization for influenza and
12 other emergency immunizations or vaccinations in response to
13 a public health emergency. A pharmacist may administer to
14 patients 11 years of age or older the final two doses in a
15 course of vaccinations for HPV pursuant to statewide protocols.
16 A pharmacist must keep a record of all prescription drugs,
17 products, and treatments administered, notify the patient's
18 primary health care provider or provide a written record to the
19 patient, consult the statewide immunization registry or health
20 information network, and complete annual continuing pharmacy
21 education related to the protocols adopted by the board.