

Senate File 399 - Introduced

SENATE FILE 399

BY COSTELLO

A BILL FOR

1 An Act relating to telepharmacy licensing requirements.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 155A.13, subsection 3, Code 2019, is
2 amended to read as follows:

3 3. a. The board may issue a special or limited-use pharmacy
4 license based upon special conditions of use imposed pursuant
5 to rules adopted by the board for cases in which the board
6 determines that certain requirements may be waived.

7 b. The board shall adopt rules for the issuance of a special
8 or limited-use pharmacy license to a telepharmacy site. The
9 rules shall address:

10 (1) Requirements for establishment and operation of a
11 telepharmacy site, including but not limited to physical
12 requirements and required policies and procedures.

13 (2) Requirements for being a managing pharmacy.

14 (3) Requirements governing operating agreements between
15 telepharmacy sites and managing pharmacies.

16 (4) Training and experience required for certified pharmacy
17 technicians working at a telepharmacy site.

18 (5) Requirements for a pharmacist providing services to and
19 supervising a telepharmacy site.

20 (6) Any other health and safety concerns associated with a
21 telepharmacy site.

22 ~~c. The board shall not issue a special or limited-use~~
23 ~~pharmacy license to a proposed telepharmacy site if a licensed~~
24 ~~pharmacy that dispenses prescription drugs to outpatients is~~
25 ~~located within ten miles by the shortest driving distance of~~
26 ~~the proposed telepharmacy site unless the proposed telepharmacy~~
27 ~~site is located on property owned, operated, or leased~~
28 ~~by the state or unless the proposed telepharmacy site is~~
29 ~~located within a hospital campus and is limited to inpatient~~
30 ~~dispensing. The mileage requirement does not apply to a~~
31 ~~telepharmacy site that has been approved by the board and is~~
32 ~~operating as a telepharmacy prior to July 1, 2016.~~

33 ~~d. An applicant seeking a special or limited-use pharmacy~~
34 ~~license for a proposed telepharmacy site that does not meet the~~
35 ~~mileage requirement established in paragraph "c" and is not~~

1 ~~statutorily exempt from the mileage requirement may apply to~~
2 ~~the board for a waiver of the mileage requirement. A waiver~~
3 ~~request shall only be granted if the applicant can demonstrate~~
4 ~~to the board that the proposed telepharmacy site is located in~~
5 ~~an area where there is limited access to pharmacy services and~~
6 ~~can establish the existence of compelling circumstances that~~
7 ~~justify waiving the mileage requirement. The board's decision~~
8 ~~to grant or deny a waiver request shall be a proposed decision~~
9 ~~subject to mandatory review by the director of public health.~~
10 ~~The director shall review a proposed decision and shall have~~
11 ~~the power to approve, modify, or veto a proposed decision. The~~
12 ~~director's decision on a waiver request shall be considered~~
13 ~~final agency action subject to judicial review under chapter~~
14 ~~17A.~~

15 ~~e. c.~~ The board shall issue a special or limited-use
16 pharmacy license to a telepharmacy site that meets the minimum
17 requirements established by the board by rule.

18 EXPLANATION

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

21 This bill relates to licensing of a telepharmacy site.
22 The bill eliminates the prohibition in current law against
23 the issuance of a special or limited-use pharmacy license to
24 a telepharmacy site if a licensed pharmacy that dispenses
25 prescription drugs to outpatients is located within 10
26 miles of the proposed telepharmacy site, unless the proposed
27 telepharmacy site is located on property owned, operated,
28 or leased by the state or unless the proposed telepharmacy
29 site is located within a hospital campus and is limited to
30 inpatient dispensing. Current law also provides that the
31 mileage requirement does not apply to a telepharmacy site that
32 was approved and operating as a telepharmacy prior to July 1,
33 2016. The bill also eliminates a corresponding provision that
34 would allow an applicant that did not meet or was not otherwise
35 exempt from the mileage requirement to apply for a waiver of

S.F. 399

1 the mileage requirement.