

Senate File 2122 - Introduced

SENATE FILE 2122

BY SALMON

A BILL FOR

1 An Act relating to the prescribing, ordering, dispensing, and
2 administering authority of pharmacists and practitioners.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 155A.49 Restrictions on
2 prescribing, ordering, dispensing, and administering authority by
3 board or employer.

4 1. The board or any board created under chapter 147 that
5 licenses a pharmacist or a practitioner and any employer of a
6 pharmacist or practitioner shall not restrict the prescribing,
7 ordering, dispensing, or administering authority of a
8 pharmacist or practitioner, consistent with the pharmacist's
9 or practitioner's scope of practice, in a way that acts
10 as a deterrent for a pharmacist or practitioner to use a
11 medication or treatment in accordance with the pharmacist's or
12 practitioner's best professional judgment.

13 2. Any restriction by an employer of a pharmacist or
14 practitioner that is prohibited under subsection 1, whether
15 or not documented by the employer as part of a contract,
16 agreement, or employee handbook, by an amendment to any such
17 document, or by any other means, is unenforceable and shall not
18 be the basis for any disciplinary action by the employer.

19 3. A pharmacist or practitioner who uses a medication or
20 treatment in accordance with the pharmacist's or practitioner's
21 best professional judgment and consistent with the pharmacist's
22 or practitioner's scope of practice under this section shall
23 not be subject to licensee discipline.

24 EXPLANATION

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

27 This bill relates to the prescribing, ordering, dispensing,
28 and administering authority of practitioners and pharmacists.

29 The bill prohibits the board of pharmacy and any
30 health-related professional board under Code chapter 147
31 (general provisions, health-related professions) (boards) that
32 license a pharmacist or practitioner and any employer of a
33 pharmacist or practitioner from restricting the prescribing,
34 ordering, dispensing, or administering authority of a
35 pharmacist or practitioner, consistent with the pharmacist's

1 or practitioner's scope of practice, in a way that acts
2 as a deterrent for the pharmacist or practitioner to use a
3 medication or treatment in accordance with the pharmacist's
4 or practitioner's best professional judgment. The bill also
5 provides that any restriction by an employer of a pharmacist or
6 practitioner that is prohibited under the bill, whether or not
7 documented by the employer as part of a contract, agreement,
8 or employee handbook, by an amendment to any such document,
9 or by any other means, is unenforceable and shall not be the
10 basis for any disciplinary action by the employer. The bill
11 also provides that a pharmacist or practitioner who uses a
12 medication or treatment in accordance with the pharmacist's or
13 practitioner's best professional judgment and consistent with
14 the pharmacist's or practitioner's scope of practice under the
15 bill, shall not be subject to licensee discipline.

16 Code section 155A.3 defines "pharmacist" as a person
17 licensed by the board of pharmacy to practice pharmacy; and
18 "practitioner" as a physician, dentist, podiatric physician,
19 prescribing psychologist, veterinarian, optometrist, physician
20 assistant, advanced registered nurse practitioner, or other
21 person licensed or registered to prescribe, distribute,
22 or dispense a prescription drug or device in the course of
23 professional practice in this state or a person licensed by
24 another state in a health field in which, under Iowa law,
25 licensees in this state may legally prescribe drugs.