

Effective 7/1/2014

Part 8
Dispensing Medical Practitioner and Dispensing
Medical Practitioner Clinic Pharmacy

58-17b-801 Title.

This part is known as "Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy."

Enacted by Chapter 72, 2014 General Session

58-17b-802 Definitions.

As used in this part:

- (1)
 - (a) "Cosmetic drug" means a prescription drug that:
 - (i) is for the purpose of promoting attractiveness or altering the appearance of an individual; and
 - (ii)
 - (A) is listed as a cosmetic drug subject to the exemption under this section by the division by administrative rule; or
 - (B) has been expressly approved for online dispensing, whether or not it is dispensed online or through a physician's office.
 - (b) "Cosmetic drug" does not include a prescription drug that is:
 - (i) a controlled substance;
 - (ii) compounded by the physician; or
 - (iii) prescribed for or used by the patient for the purpose of diagnosing, curing, or preventing a disease.
- (2) "Employer sponsored clinic" means:
 - (a) an entity that has a medical director who is licensed as a physician as defined in Section 58-67-102 and offers health care only to the employees of an exclusive group of employers and the employees' dependents; or
 - (b) a clinic designated as a clinic for state employees and their dependents by the Public Employees' Benefit and Insurance Program under the pilot program created by Section 49-20-413 including all the patients at that clinic, regardless of the patients' participation in the pilot program.
- (3) "Health care" is as defined in Section 31A-1-301.
- (4)
 - (a) "Injectable weight loss drug" means an injectable prescription drug:
 - (i) prescribed to promote weight loss; and
 - (ii) listed as an injectable prescription drug subject to exemption under this section by the division by administrative rule.
 - (b) "Injectable weight loss drug" does not include a prescription drug that is a controlled substance.
- (5) "Prepackaged drug" means a prescription drug that:
 - (a) is not listed under federal or state law as a Schedule I, II, III, IV, or V drug; and
 - (b) is packaged in a fixed quantity per package by:
 - (i) the drug manufacturer;
 - (ii) a pharmaceutical wholesaler or distributor; or

- (iii) a pharmacy licensed under this title.

Amended by Chapter 159, 2016 General Session

58-17b-803 Qualifications for licensure as a dispensing medical practitioner -- Scope of practice.

- (1) An applicant for a license as a dispensing medical practitioner shall:
 - (a) be licensed in good standing under at least one of the chapters listed in Subsection 58-17b-102(23)(a); and
 - (b) submit an application for a license as a dispensing medical practitioner in a form prescribed by the division and pay a fee established by the division.
- (2) The division shall accept the licensing in good standing under Subsection (1) in lieu of requiring an applicant for a license under this part to comply with Sections 58-17b-303 and 58-17b-307.
- (3) A dispensing medical practitioner may dispense, in accordance with this part:
 - (a) a cosmetic drug and an injectable weight loss drug if:
 - (i) the drug was prescribed by the dispensing medical practitioner to the dispensing medical practitioner's patient; and
 - (ii) the dispensing medical practitioner complies with administrative rules adopted by the division under Section 58-17b-802;
 - (b) a cancer drug treatment regimen if the dispensing medical practitioner complies with Section 58-17b-805; and
 - (c) a pre-packaged drug to an employee or a dependent of an employee at an employer sponsored clinic if the dispensing medical practitioner:
 - (i) treats an employee, or the dependent of an employee, of one of an exclusive group of employers at an employer sponsored clinic;
 - (ii) prescribes a prepackaged drug to the employee or the employee's dependent;
 - (iii) dispenses the prepackaged drug at the employer sponsored clinic; and
 - (iv) complies with administrative rules adopted by the division in consultation with the Board of Pharmacy that establish labeling, record keeping, patient counseling, purchasing and distribution, operating, treatment, quality of care, and storage requirements.
- (4) A dispensing medical practitioner:
 - (a) shall inform the patient:
 - (i) that the drug dispensed by the practitioner may be obtained from a pharmacy unaffiliated with the practitioner;
 - (ii) of the directions for appropriate use of the dispensed drug;
 - (iii) of potential side effects to the use of the dispensed drug; and
 - (iv) how to contact the dispensing medical practitioner if the patient has questions or concerns regarding the drug;
 - (b) shall report to the controlled substance database in the same manner as required in Section 58-37f-203; and
 - (c) may delegate the dispensing of the drug if the individual to whom the dispensing was delegated is:
 - (i) employed by the dispensing medical practitioner or the outpatient clinic setting in which the dispensing medical practitioner works; and
 - (ii) acting under the direction of a dispensing medical practitioner who is immediately available on site for any necessary consultation.
- (5) If the chapter that governs the license of a dispensing medical practitioner, as listed in Subsection 58-17b-102(23), requires physician supervision in its scope of practice

requirements, the dispensing medical practitioner shall only dispense a drug under the supervision of an individual licensed under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act.

Amended by Chapter 206, 2015 General Session

58-17b-804 Qualifications for licensure as a dispensing medical practitioner clinic pharmacy.

- (1) An applicant for a license as a dispensing medical practitioner clinic pharmacy shall comply with Section 58-17b-306.
- (2)
 - (a) Notwithstanding Section 58-17b-302, a pharmacy licensed under this part is not required to have a pharmacist-in-charge if:
 - (i) the pharmacy has designated a dispensing medical practitioner as responsible for all activities of the pharmacy; and
 - (ii) the pharmacy complies with administrative rules adopted by the division in consultation with the Board of Pharmacy and the governing bodies of the practitioners described in Subsection 58-17b-102(23)(a).
 - (b) Notwithstanding Subsection 58-17b-306(1)(e), the division, in consultation with the Board of Pharmacy and the governing boards of the practitioners described in Subsection 58-17b-102(23)(a), may modify the operating standards for a dispensing medical practitioner clinic pharmacy.

Enacted by Chapter 72, 2014 General Session

58-17b-805 Dispensing medical practitioner -- Cancer drug treatment regimen.

- (1) For purposes of this section:
 - (a) "Cancer drug treatment regimen" means a prescription drug used to treat cancer, manage its symptoms, or provide continuity of care for a cancer patient.
 - (b) "Cancer drug treatment regimen" includes:
 - (i) a chemotherapy drug administered intravenously, orally, rectally, or by dermal methods; and
 - (ii) a drug used to support cancer treatment, including a drug used to treat, alleviate, or minimize physical and psychological symptoms or pain, to improve patient tolerance of cancer treatments, or to prepare a patient for a subsequent course of therapy.
 - (c) "Cancer drug treatment regimen" does not mean a drug listed under federal law as a Schedule I, II, or III drug.
- (2) An individual may be licensed as a dispensing medical practitioner with a scope of practice that permits the dispensing medical practitioner to prescribe and dispense a cancer drug treatment regimen if the individual:
 - (a) is licensed as described in Subsections 58-17b-102(23)(a)(i) and (ii); and
 - (b) is certified or eligible to be certified by the American Board of Internal Medicine in medical oncology.
- (3) A dispensing medical practitioner authorized to prescribe and dispense a cancer drug treatment regimen under this section may prescribe and dispense a cancer drug treatment regimen:
 - (a) to the practitioner's patient who is currently undergoing chemotherapy in an outpatient clinic setting; and

- (b) if the practitioner determines that providing the cancer drug treatment regimen to the patient in the outpatient clinic setting is in the best interest of the patient or provides better access to care for the patient.

Enacted by Chapter 72, 2014 General Session

58-17b-806 Enforcement of dispensing medical practitioner and dispensing medical practitioner clinic pharmacy compliance with Pharmacy Practice Act.

- (1)
 - (a) The division shall consult with the dispensing medical practitioner's appropriate licensing board as designated in Subsection 58-17b-102(23)(a) regarding a violation of this chapter; and
 - (b) the Pharmacy Board shall, if requested by the licensing board of the dispensing medical practitioner, assist the licensing board for the dispensing medical practitioner with reviewing the violations of the provisions of this chapter.
- (2) The division may take appropriate action against a dispensing medical practitioner, in accordance with this chapter, if the licensing board designated in Subsection 58-17b-102(23)(a) recommends to the division that action be taken under this chapter.
- (3) The division, in consultation with the board is the primary enforcer under this chapter for a dispensing medical practitioner clinic pharmacy licensed under Section 58-17b-804.

Enacted by Chapter 72, 2014 General Session