

RURAL PHARMACY CHANGES

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Loraine T. Pace

This act modifies the Occupational and Professional Licensing Code by amending provisions related to supervision of a pharmacy located in remote rural hospitals or clinics. The act uses defined terms to describe required supervision. The act appropriates \$ [~~\$150,000~~]

7a \$ \$100,000 § for fiscal

8 year 2001-02, from the General Fund to the Department of Health Bureau of Primary Care, 9 Rural and Ethnic Health, to establish and oversee a rural telepharmacy system.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

58-17a-611, as enacted by Chapter 247, Laws of Utah 1996

This act enacts uncodified material.

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-17a-611** is amended to read:

58-17a-611. Supervision -- Pharmacist-in-charge.

(1) (a) A drug outlet, except a wholesaler, distributor, or out-of-state mail service pharmacy, shall be under the general supervision of [~~not less than~~] at least one pharmacist licensed to practice in Utah. One pharmacist licensed in Utah shall be designated as the pharmacist-in-charge.

(b) Notwithstanding the provisions of Subsection 58-17a-102(17), a supervising pharmacist does not have to be in the pharmacy or facility in which the drug outlet is located § [~~and~~ may] BUT SHALL § be available via a telepharmacy system for immediate contact with the supervised pharmacy

technician or pharmacy intern if:

(i) the drug outlet is located in:

(A) a remote rural hospital as defined in Section 26-21-13.6; or

(B) a clinic located in a remote rural county with less than 20 people per square mile; and



28 (ii) the supervising pharmacist described in Subsection (1)(a), is not available § ; AND
 28a (iii) THE TELEPHARMACY SYSTEM MAINTAINS RECORDS AND FILES QUARTERLY
 28b REPORTS AS REQUIRED BY DIVISION RULE ADOPTED IN CONSULTATION WITH THE PHARMACY
 28c BOARD TO ASSURE THAT PATIENT SAFETY IS NOT COMPROMISED § .

29 (2) Each out-of-state mail service pharmacy shall designate and identify to the board a
 30 pharmacist holding a current license issued by the state in which the pharmacy is located, who
 31 serves as the pharmacist-in-charge for all purposes under this chapter.

32 Section 2. **Intent.**

33 The Legislature finds that:

34 (1) rural citizens of the state need access to hospitals and pharmacy services;

35 (2) hospitals and clinics in remote rural areas of the state have limited resources to provide
 36 24-hour, on-site supervision of a hospital or clinic pharmacy by a licensed pharmacist; and

37 (3) a telepharmacy system in which a consulting pharmacist can oversee the delivery of
 38 pharmacy services by a supervised pharmacy technician or pharmacy intern when the remote rural
 39 hospital or clinic pharmacist is not available is essential to the viability of rural access to pharmacy
 40 services.

41 Section 3. **Appropriation.**

42 (1) There is appropriated from the General Fund for fiscal year 2001-02 only, § [~~\$150,000~~
 42a \$100,000 §

43 to the Department of Health Bureau of Primary Care, Rural and Ethnic Health.

44 (2) It is the intent of the Legislature that the Department of Health Bureau of Primary Care,
 45 Rural and Ethnic Health, use the University of Utah Telemedicine Outreach Program to establish
 45a § AND GIVE OVERSIGHT TO §

46 a hospital and clinic telepharmacy system by using § [~~\$90,000 for two~~] \$45,000 FOR ONE § pharmacy
 46a dispensing § [units] UNIT §

47 located in a general hospital or clinic in San Juan County § [~~and Grand County~~] § , and by using
 47a \$15,000

48 to assist with the cost of providing on-line telepharmacy services to San Juan § [county, and
 48a ~~\$45,000~~] COUNTY, AND \$40,000 §

49 to assist with staff support and oversight of the telepharmacy system.

Legislative Review Note as of 1-12-01 5:20 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

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H.B. 89

Office of Legislative Research and General Counsel