

**PHARMACY PRACTICE ACT AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill amends the Pharmacy Practice Act.

**Highlighted Provisions:**

This bill:

- ▶ deletes "extern" from Pharmacy Practice Act definitions;
- ▶ amends the definition of "pharmaceutical wholesaler or distributor";
- ▶ amends the definition of "practice as a licensed pharmacy technician";
- ▶ amends pharmacy intern licensure qualifications;
- ▶ amends pharmacy technician licensure qualifications;

**§→ ▶ authorizes, under certain circumstances, the dispensing of one or more refills at the time a legend drug prescription is dispensed; ←§**

- ▶ makes conforming amendments; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-17b-102**, as last amended by Laws of Utah 2012, Chapters 265 and 320

**58-17b-304**, as last amended by Laws of Utah 2012, Chapter 93

**58-17b-305**, as last amended by Laws of Utah 2012, Chapter 93



28 58-17b-612, as last amended by Laws of Utah 2010, Chapter 101

28a **§→ ENACTS:**

28b **58-17b-608.1, Utah Code Annotated 1953 ←§**

29 

---

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

31 Section 1. Section **58-17b-102** is amended to read:

32 **58-17b-102. Definitions.**

33 In addition to the definitions in Section 58-1-102, as used in this chapter:

34 (1) "Administering" means:

35 (a) the direct application of a prescription drug or device, whether by injection,  
36 inhalation, ingestion, or by any other means, to the body of a human patient or research subject  
37 by another person; or

38 (b) the placement by a veterinarian with the owner or caretaker of an animal or group  
39 of animals of a prescription drug for the purpose of injection, inhalation, ingestion, or any other  
40 means directed to the body of the animal by the owner or caretaker in accordance with written  
41 or verbal directions of the veterinarian.

42 (2) "Adulterated drug or device" means a drug or device considered adulterated under  
43 21 U.S.C.S. Sec. 351 (2003).

44 (3) (a) "Analytical laboratory" means a facility in possession of prescription drugs for  
45 the purpose of analysis.

46 (b) "Analytical laboratory" does not include a laboratory possessing prescription drugs  
47 used as standards and controls in performing drug monitoring or drug screening analysis if the  
48 prescription drugs are prediluted in a human or animal body fluid, human or animal body fluid  
49 components, organic solvents, or inorganic buffers at a concentration not exceeding one  
50 milligram per milliliter when labeled or otherwise designated as being for in vitro diagnostic  
51 use.

52 (4) "Animal euthanasia agency" means an agency performing euthanasia on animals by  
53 the use of prescription drugs.

54 (5) "Automated pharmacy systems" includes mechanical systems which perform  
55 operations or activities, other than compounding or administration, relative to the storage,  
56 packaging, dispensing, or distribution of medications, and which collect, control, and maintain  
57 all transaction information.

58 (6) "Beyond use date" means the date determined by a pharmacist and placed on a

276 [(48)] (47) "Pharmacist" means an individual licensed by this state to engage in the  
 277 practice of pharmacy.

278 [(49)] (48) "Pharmacist-in-charge" means a pharmacist currently licensed in good  
 279 standing who accepts responsibility for the operation of a pharmacy in conformance with all  
 280 laws and rules pertinent to the practice of pharmacy and the distribution of drugs, and who is  
 281 personally in full and actual charge of the pharmacy and all personnel.

282 [(50)] (49) "Pharmacist preceptor" means a licensed pharmacist in good standing with  
 283 one or more years of licensed experience. The preceptor serves as a teacher, example of  
 284 professional conduct, and supervisor of interns in the professional practice of pharmacy.

285 [(51)] (50) "Pharmacy" means any place where:

- 286 (a) drugs are dispensed;
- 287 (b) pharmaceutical care is provided;
- 288 (c) drugs are processed or handled for eventual use by a patient; or
- 289 (d) drugs are used for the purpose of analysis or research.

290 [(52)] (51) "Pharmacy benefits manager or coordinator" means a person or entity that  
 291 provides pharmacy benefit management services as defined in Section 49-20-502 on behalf of a  
 292 self-insured employer, insurance company, health maintenance organization, or other plan  
 293 sponsor, as defined by rule.

294 [(53)] (52) "Pharmacy intern" means an individual licensed by this state to engage in  
 295 practice as a pharmacy intern.

296 [(54)] (53) "Pharmacy technician training program" means an approved technician  
 297 training program providing education for pharmacy technicians.

298 [(55)] (54) (a) "Practice as a licensed pharmacy technician" means engaging in practice  
 299 as a pharmacy technician under the general supervision of a licensed pharmacist and in  
 300 accordance with a scope of practice defined by division rule made in collaboration with the  
 301 board.

302 (b) "Practice as a licensed pharmacy technician" does not include:

303 (i) performing a drug utilization review, prescription drug order clarification from a  
 304 prescriber, ~~§~~ → [f]final review of the prescription [t] ← ~~§~~ [and prescribed drug prepared for  
 304a dispensing;] ~~§~~ → , ← ~~§~~

305 dispensing of the drug, or counseling a patient with respect to a prescription drug;

306 (ii) except as permitted by rules made by the division in consultation with the board ~~§~~ → [z] ← ~~§~~

307            ~~§~~ → [(A) final review of a prescription; or  
308            ~~(B)~~], ← § final review of a prescribed drug prepared for dispensing;  
309            [(ii)] (iii) counseling regarding nonprescription drugs and dietary supplements unless  
310            delegated by the supervising pharmacist; or  
311            [(iii)] (iv) receiving new prescription drug orders when communicating telephonically  
312            or electronically unless the original information is recorded so the pharmacist may review the  
313            prescription drug order as transmitted.  
314            [~~56~~] (55) "Practice of pharmacy" includes the following:  
315            (a) providing pharmaceutical care;  
316            (b) collaborative pharmacy practice in accordance with a collaborative pharmacy  
317            practice agreement;  
318            (c) compounding, packaging, labeling, dispensing, administering, and the coincident  
319            distribution of prescription drugs or devices, provided that the administration of a prescription  
320            drug or device is:  
321            (i) pursuant to a lawful order of a practitioner when one is required by law; and  
322            (ii) in accordance with written guidelines or protocols:  
323            (A) established by the licensed facility in which the prescription drug or device is to be  
324            administered on an inpatient basis; or  
325            (B) approved by the division, in collaboration with the board and the Physicians  
326            Licensing Board, created in Section 58-67-201, if the prescription drug or device is to be  
327            administered on an outpatient basis solely by a licensed pharmacist;  
328            (d) participating in drug utilization review;  
329            (e) ensuring proper and safe storage of drugs and devices;  
330            (f) maintaining records of drugs and devices in accordance with state and federal law  
331            and the standards and ethics of the profession;  
332            (g) providing information on drugs or devices, which may include advice relating to  
333            therapeutic values, potential hazards, and uses;  
334            (h) providing drug product equivalents;  
335            (i) supervising pharmacist's supportive personnel, pharmacy interns, and pharmacy  
336            technicians;  
337            (j) providing patient counseling, including adverse and therapeutic effects of drugs;

400 (7) meet one of the following educational criteria:

401 (a) be a current pharmacy student, a resident, or fellow in a program approved by  
402 division rule made in collaboration with the board; or

403 ~~[(b) have graduated and received a pharmacy degree from a school or college of~~  
404 ~~pharmacy which is accredited by the Accreditation Council on Pharmacy Education but not~~  
405 ~~completed the internship hours required by division rule for licensure as a pharmacist; or]~~

406 [(c)] (b) have graduated from a foreign pharmacy school and received certification of  
407 equivalency from a credentialing agency approved by division rule made in collaboration with  
408 the board.

409 Section 3. Section **58-17b-305** is amended to read:

410 **58-17b-305. Qualifications for licensure of pharmacy technician.**

411 (1) An applicant for licensure as a pharmacy technician shall:

412 (a) submit an application in a form prescribed by the division;

413 (b) pay a fee determined by the department under Section 63J-1-504;

414 (c) produce satisfactory evidence of good moral character as it relates to the applicant's  
415 ability to practice pharmacy;

416 (d) complete a criminal background check and be free from criminal convictions as  
417 described in Section 58-1-501;

418 (e) have no physical or mental condition of a nature which prevents the applicant from  
419 engaging in practice as a pharmacy technician with reasonable skill, competency, and safety to  
420 the public;

421 (f) have completed a [~~board approved~~] program and curriculum of education and  
422 training, meeting standards established by division rule made in collaboration with the board;  
423 and

424 (g) successfully complete the examinations requirement within the time periods  
425 established by division rule made in collaboration with the board.

426 (2) A pharmacist whose license has been denied, revoked, suspended, or restricted for  
427 disciplinary purposes is not eligible to be a licensed pharmacy technician while on probation  
428 with the division.

428a **§→ Section 4. Section 58-17b-608.1 is enacted to read:**

428b **58-17b-608.1. Refills of legend drug prescriptions.**

428c **If a prescription for a legend drug includes authorization for one or more refills, a**  
428d **pharmacist or pharmacy intern may dispense one or more of the refills at the time the drug is**  
428e **dispensed, if: ←§**

- 428f            **§→(1) the drug is not a controlled substance;**
- 428g            **(2) the prescription does not include "Dispense as Written," "DAW", or some other**
- 428h            **notation having similar meaning;**
- 428i            **(3) the total dosage units dispensed, including the units for both the prescription**
- 428j            **and any refills, do not exceed a 180-day supply; and**
- 428k            **(4) in the professional judgment of the pharmacist or pharmacy intern the refill, or**
- 428l            **refills, should be dispensed at the time the prescription is dispensed. ←§**
- 429            Section **§→ [4] 5 ←§** . Section **58-17b-612** is amended to read:
- 430            **58-17b-612. Supervision -- Pharmacist-in-charge.**