

615 Practitioner Clinic Pharmacy."

616 Section 8. Section **58-17b-802** is enacted to read:

617 **58-17b-802. Definitions.**

618 As used in this part:

619 (1) (a) "Cosmetic drug" means a prescription drug that:

620 (i) is for the purpose of promoting attractiveness or altering the appearance of an  
621 individual; and

622 (ii) (A) is listed as a cosmetic drug subject to the exemption under this section by the  
623 division by administrative rule; or

624 (B) has been expressly approved for online dispensing, whether or not it is dispensed  
625 online or through a physician's office.

626 (b) "Cosmetic drug" does not include a prescription drug that is:

627 (i) a controlled substance;

628 (ii) compounded by the physician; or

629 (iii) prescribed ~~§~~ for ~~←~~§ or used ~~§~~ [for] by ~~←~~§ the patient for the purpose of  
629a diagnosing, curing, or  
630 preventing a disease.

631 (2) "Employer sponsored clinic" means an entity that ~~§~~ has a medical director who is  
631a licensed as a physician as defined in Section 58-67-102 and ~~←~~§ offers health care only to the  
632 employees of an exclusive group of employers and the employees' dependents.

633 (3) "Health care" is as defined in Section [31A-1-301](#) ~~§~~ . ~~←~~§

634 (4) (a) "Injectable weight loss drug" means an injectable prescription drug:

635 (i) prescribed to promote weight loss; and

636 (ii) listed as an injectable prescription drug subject to exemption under this section by  
637 the division by administrative rule.

638 (b) "Injectable weight loss drug" does not include a prescription drug that is a  
639 controlled substance.

640 (5) "Prepackaged drug" means a prescription drug that:

641 (a) is not listed under federal or state law as a Schedule I, II, III, IV, or V drug; and

642 (b) is packaged in a fixed quantity per package by:

643 (i) the drug manufacturer;

644 (ii) a pharmaceutical wholesaler or distributor; or

645 (iii) a pharmacy licensed under this title.

646 Section 9. Section **58-17b-803** is enacted to read:

647 **58-17b-803. Qualifications for licensure as a dispensing medical practitioner --**

648 **Scope of practice.**

649 (1) An applicant for a license as a dispensing medical practitioner shall:

650 (a) be licensed in good standing under at least one of the chapters listed in Subsection  
651 58-17b-102(23)(a); and

652 (b) submit an application for a license as a dispensing medical practitioner in a form  
653 prescribed by the division and pay a fee established by the ~~§~~→ [department] division ←~~§~~ .

654 (2) The division shall accept the licensing in good standing under Subsection (1) in lieu  
655 of requiring an applicant for a license under this part to comply with Sections 58-17b-303 and  
656 58-17b-307.

657 (3) A dispensing medical practitioner may dispense, in accordance with this part:

658 (a) a cosmetic drug and an injectable weight loss drug if:

659 (i) the drug was prescribed by the dispensing medical practitioner to the dispensing  
660 medical practitioner's patient; and

661 (ii) the dispensing medical practitioner complies with administrative rules adopted by  
662 the division under Subsection 58-17-802(1);

663 (b) a cancer drug treatment regimen if the dispensing medical practitioner complies  
664 with Section 58-17b-805; and

665 (c) a pre-packaged drug to an employee or a dependent of an employee at an employer  
666 sponsored clinic if the dispensing medical practitioner:

667 (i) treats an employee, or the dependent of an employee, of one of an exclusive group  
668 of employers at an employer sponsored clinic;

669 (ii) prescribes a prepackaged drug to the employee or the employee's dependent;

670 (iii) dispenses the prepackaged drug at the employer sponsored clinic; and

671 (iv) complies with administrative rules adopted by the division in consultation with the  
672 Board of Pharmacy that establish labeling, record keeping, patient counseling, purchasing and  
673 distribution, operating, treatment, quality of care, and storage requirements.

674 (4) A dispensing medical practitioner:

675 (a) shall inform the patient:

676 (i) that the drug dispensed by the practitioner may be obtained from a pharmacy

677 unaffiliated with the practitioner;

678 (ii) of the directions for appropriate use of the dispensed drug;

679 (iii) of potential side effects to the use of the dispensed drug; and

680 (iv) how to contact the dispensing medical practitioner if the patient has questions or

681 concerns regarding the drug;

682 (b) shall report to the controlled substance database in the same manner as required in

683 Section 58-37f-203; and

684 (c) may delegate the dispensing of the drug if the individual to whom the dispensing

685 was delegated is:

686 (i) employed by the dispensing medical practitioner or the outpatient clinic setting in

687 which the dispensing medical practitioner works; and

688 (ii) acting under the direction of a dispensing medical practitioner who is immediately

689 available on site for any necessary consultation.

690 (5) If the chapter that governs the license of a dispensing medical practitioner, as listed

691 in Subsection 58-17b-102(23), requires physician supervision in its scope of practice

692 requirements, the dispensing medical practitioner shall only dispense a drug under the

693 supervision of an individual licensed under Chapter 67, Utah Medical Practice Act, or Chapter

694 68, Utah Osteopathic Medical Practice Act §→ . ←§

695 Section 10. Section 58-17b-804 is enacted to read:

696 **58-17b-804. Qualifications for licensure as a dispensing medical practitioner clinic**

697 **pharmacy.**

698 (1) An applicant for a license as a dispensing medical practitioner clinic pharmacy shall

699 comply with Section 58-17b-306.

700 (2) (a) Notwithstanding Section 58-17b-302, a pharmacy licensed under this part is not

701 required to have a pharmacist-in-charge if:

702 (i) the pharmacy has designated a dispensing medical practitioner as responsible for all

703 activities of the pharmacy; and

704 (ii) the pharmacy complies with administrative rules adopted by the division in

705 consultation with the Board of Pharmacy and the governing bodies of the practitioners

706 described in Subsection 58-17b-102(23)(a).

707 (b) Notwithstanding Subsection 58-17b-306(1)(e), the division, in consultation with

708 the Board of Pharmacy and the governing boards of the practitioners described in Subsection  
 709 58-17b-102(23)(a), may modify the operating standards for a dispensing medical practitioner  
 710 clinic pharmacy.

711 Section 11. Section **58-17b-805** is enacted to read:

712 **58-17b-805. Dispensing medical practitioner -- Cancer drug treatment regimen.**

713 (1) For purposes of this section:

714 (a) "Cancer drug treatment regimen" means a prescription drug used to treat cancer,  
 715 manage its symptoms, or provide continuity of care for a cancer patient.

716 (b) "Cancer drug treatment regimen" includes:

717 (i) a chemotherapy drug administered intravenously, orally, rectally, or by dermal  
 718 methods; and

719 (ii) a drug used to support cancer treatment, including a drug ~~§~~ used ~~to~~ to treat,  
 719a alleviate, or  
 720 minimize physical and psychological symptoms or pain, ~~§~~ [or] ~~to~~ to improve patient tolerance  
 720a of

721 cancer treatments ~~§~~, ~~to~~ or ~~to~~ to ~~§~~ prepare a patient for a subsequent course of therapy.

722 (c) "Cancer drug treatment regimen" does not mean a drug listed under federal law as a  
 723 Schedule I, II, or III drug.

724 (2) An individual may be licensed as a dispensing medical practitioner with a scope of  
 725 practice that permits the dispensing medical practitioner to prescribe and dispense a cancer  
 726 drug treatment regimen if the individual:

727 (a) is licensed as described in Subsections 58-17b-102(23)(a)(i) and (ii); and

728 (b) is certified or eligible to be certified by the American Board of Internal Medicine in  
 729 medical oncology.

730 (3) A dispensing medical practitioner authorized to prescribe and dispense a cancer  
 731 drug treatment regimen under this section may prescribe and dispense a cancer drug treatment  
 732 regimen:

733 (a) to the practitioner's patient who is currently undergoing chemotherapy in an  
 734 outpatient clinic setting; and

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

738 Section 12. Section **58-17b-806** is enacted to read:

739 **58-17b-806. Dispensing medical practitioner -- Dispensing medical practitioner**  
 740 **clinic pharmacy -- Unprofessional and Unlawful conduct.**

741 (1) ~~§~~ (a) ~~§~~ The division ~~§~~ [~~in consultation with the board shall:~~

742 ~~— (a) report a violation of this chapter by a dispensing medical practitioner to]~~ shall consult  
 742a with ~~§~~ the

743 dispensing medical practitioner's appropriate licensing board as designated in Subsection

744 58-17b-102(23)(a) ~~§~~ regarding a violation of this chapter ~~§~~ ; and

745 (b) ~~§~~ the Pharmacy Board shall, if requested by the licensing board of the dispensing  
 745a medical practitioner, ~~§~~ assist the licensing board for the dispensing medical practitioner with  
 745b reviewing the  
 746 violations of the provisions of this chapter.

747 (2) The division ~~§~~ [~~in collaboration with the Board of Pharmacy;]~~ ~~§~~ may take  
 747a appropriate

748 action against a dispensing medical practitioner, in accordance with this chapter, if the  
 749 licensing board designated in Subsection 58-17b-102(23)(a) recommends to the division that  
 750 action be taken under this chapter.

751 (3) The division, in consultation with the board is the primary enforcer under this  
 752 chapter for a dispensing medical practitioner clinic pharmacy licensed under Section  
 753 58-17b-804.

754 Section 13. Section **58-31b-502** is amended to read:

755 **58-31b-502. Unprofessional conduct.**

756 "Unprofessional conduct" includes:

757 (1) failure to safeguard a patient's right to privacy as to the patient's person, condition,  
 758 diagnosis, personal effects, or any other matter about which the licensee is privileged to know  
 759 because of the licensee's or person with a certification's position or practice as a nurse or  
 760 practice as a medication aide certified;

761 (2) failure to provide nursing service or service as a medication aide certified in a  
 762 manner that demonstrates respect for the patient's human dignity and unique personal character  
 763 and needs without regard to the patient's race, religion, ethnic background, socioeconomic  
 764 status, age, sex, or the nature of the patient's health problem;

765 (3) engaging in sexual relations with a patient during any:

766 (a) period when a generally recognized professional relationship exists between the  
 767 person licensed or certified under this chapter and patient; or

768 (b) extended period when a patient has reasonable cause to believe a professional  
 769 relationship exists between the person licensed or certified under the provisions of this chapter