

**PHARMACY PRACTICE ACT AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: Dean Sanpei

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**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 ←§**

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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

59 prescription label at the time of dispensing that indicates to the patient or caregiver a time  
60 beyond which the contents of the prescription are not recommended to be used.

61 (7) "Board of pharmacy" or "board" means the Utah State Board of Pharmacy created  
62 in Section 58-17b-201.

63 (8) "Branch pharmacy" means a pharmacy or other facility in a rural or medically  
64 underserved area, used for the storage and dispensing of prescription drugs, which is dependent  
65 upon, stocked by, and supervised by a pharmacist in another licensed pharmacy designated and  
66 approved by the division as the parent pharmacy.

67 (9) "Centralized prescription processing" means the processing by a pharmacy of a  
68 request from another pharmacy to fill or refill a prescription drug order or to perform  
69 processing functions such as dispensing, drug utilization review, claims adjudication, refill  
70 authorizations, and therapeutic interventions.

71 (10) "Class A pharmacy" means a pharmacy located in Utah that is authorized as a  
72 retail pharmacy to compound or dispense a drug or dispense a device to the public under a  
73 prescription order.

74 (11) "Class B pharmacy":

75 (a) means a pharmacy located in Utah:

76 (i) that is authorized to provide pharmaceutical care for patients in an institutional  
77 setting; and

78 (ii) whose primary purpose is to provide a physical environment for patients to obtain  
79 health care services; and

80 (b) (i) includes closed-door, hospital, clinic, nuclear, and branch pharmacies; and

81 (ii) pharmaceutical administration and sterile product preparation facilities.

82 (12) "Class C pharmacy" means a pharmacy located in Utah that is authorized to  
83 engage in the manufacture, production, wholesale, or distribution of drugs or devices.

84 (13) "Class D pharmacy" means a nonresident pharmacy.

85 (14) "Class E pharmacy" means all other pharmacies.

86 (15) "Closed-door pharmacy" means a pharmacy that provides pharmaceutical care to a  
87 defined and exclusive group of patients who have access to the services of the pharmacy  
88 because they are treated by or have an affiliation with a specific entity, including a health  
89 maintenance organization or an infusion company, but not including a hospital pharmacy, a

90 retailer of goods to the general public, or the office of a practitioner.

91 (16) "Collaborative pharmacy practice" means a practice of pharmacy whereby one or  
92 more pharmacists have jointly agreed, on a voluntary basis, to work in conjunction with one or  
93 more practitioners under protocol whereby the pharmacist may perform certain pharmaceutical  
94 care functions authorized by the practitioner or practitioners under certain specified conditions  
95 or limitations.

96 (17) "Collaborative pharmacy practice agreement" means a written and signed  
97 agreement between one or more pharmacists and one or more practitioners that provides for  
98 collaborative pharmacy practice for the purpose of drug therapy management of patients and  
99 prevention of disease of human subjects.

100 (18) (a) "Compounding" means the preparation, mixing, assembling, packaging, or  
101 labeling of a limited quantity drug, sterile product, or device:

102 (i) as the result of a practitioner's prescription order or initiative based on the  
103 practitioner, patient, or pharmacist relationship in the course of professional practice;

104 (ii) for the purpose of, or as an incident to, research, teaching, or chemical analysis and  
105 not for sale or dispensing; or

106 (iii) in anticipation of prescription drug orders based on routine, regularly observed  
107 prescribing patterns.

108 (b) "Compounding" does not include:

109 (i) the preparation of prescription drugs by a pharmacist or pharmacy intern for sale to  
110 another pharmacist or pharmaceutical facility;

111 (ii) the preparation by a pharmacist or pharmacy intern of any prescription drug in a  
112 dosage form which is regularly and commonly available from a manufacturer in quantities and  
113 strengths prescribed by a practitioner; or

114 (iii) the preparation of a prescription drug, sterile product, or device which has been  
115 withdrawn from the market for safety reasons.

116 (19) "Confidential information" has the same meaning as "protected health  
117 information" under the Standards for Privacy of Individually Identifiable Health Information,  
118 45 C.F.R. Parts 160 and 164.

119 (20) "Controlled substance" has the same definition as in Section 58-37-2.

120 (21) "Dietary supplement" has the same meaning as Public Law Title 103, Chapter

121 417, Sec. 3a(ff) which is incorporated by reference.

122 (22) "Dispense" means the interpretation, evaluation, and implementation of a  
123 prescription drug order or device or nonprescription drug or device under a lawful order of a  
124 practitioner in a suitable container appropriately labeled for subsequent administration to or use  
125 by a patient, research subject, or an animal.

126 (23) "Distribute" means to deliver a drug or device other than by administering or  
127 dispensing.

128 (24) (a) "Drug" means:

129 (i) a substance recognized in the official United States Pharmacopoeia, Official  
130 Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any  
131 supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment, or  
132 prevention of disease in humans or animals;

133 (ii) a substance that is required by any applicable federal or state law or rule to be  
134 dispensed by prescription only or is restricted to administration by practitioners only;

135 (iii) a substance other than food intended to affect the structure or any function of the  
136 body of humans or other animals; and

137 (iv) substances intended for use as a component of any substance specified in  
138 Subsections (24)(a)(i), (ii), (iii), and (iv).

139 (b) "Drug" does not include dietary supplements.

140 (25) "Drug product equivalent" means a drug product that is designated as the  
141 therapeutic equivalent of another drug product in the Approved Drug Products with  
142 Therapeutic Equivalence Evaluations prepared by the Center for Drug Evaluation and Research  
143 of the Federal Food and Drug Administration.

144 (26) "Drug regimen review" includes the following activities:

145 (a) evaluation of the prescription drug order and patient record for:

146 (i) known allergies;

147 (ii) rational therapy-contraindications;

148 (iii) reasonable dose and route of administration; and

149 (iv) reasonable directions for use;

150 (b) evaluation of the prescription drug order and patient record for duplication of  
151 therapy;

152 (c) evaluation of the prescription drug order and patient record for the following  
153 interactions:

- 154 (i) drug-drug;
- 155 (ii) drug-food;
- 156 (iii) drug-disease; and
- 157 (iv) adverse drug reactions; and

158 (d) evaluation of the prescription drug order and patient record for proper utilization,  
159 including over- or under-utilization, and optimum therapeutic outcomes.

160 (27) "Drug sample" means a prescription drug packaged in small quantities consistent  
161 with limited dosage therapy of the particular drug, which is marked "sample", is not intended to  
162 be sold, and is intended to be provided to practitioners for the immediate needs of patients for  
163 trial purposes or to provide the drug to the patient until a prescription can be filled by the  
164 patient.

165 (28) "Electronic signature" means a trusted, verifiable, and secure electronic sound,  
166 symbol, or process attached to or logically associated with a record and executed or adopted by  
167 a person with the intent to sign the record.

168 (29) "Electronic transmission" means transmission of information in electronic form or  
169 the transmission of the exact visual image of a document by way of electronic equipment.

170 ~~[(30) "Extern" means a college of pharmacy student enrolled in a college coordinated  
171 practical experience program in a health care setting under the supervision of a preceptor, as  
172 defined in this act, and approved by a college of pharmacy.]~~

173 ~~[(31)]~~ (30) "Hospital pharmacy" means a pharmacy providing pharmaceutical care to  
174 inpatients of a general acute hospital or specialty hospital licensed by the Department of Health  
175 under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

176 ~~[(32)]~~ (31) "Legend drug" has the same meaning as prescription drug.

177 ~~[(33)]~~ (32) "Licensed pharmacy technician" means an individual licensed with the  
178 division, that may, under the supervision of a pharmacist, perform the activities involved in the  
179 technician practice of pharmacy.

180 ~~[(34)]~~ (33) "Manufacturer" means a person or business physically located in Utah  
181 licensed to be engaged in the manufacturing of drugs or devices.

182 ~~[(35)]~~ (34) (a) "Manufacturing" means:

183 (i) the production, preparation, propagation, conversion, or processing of a drug or  
184 device, either directly or indirectly, by extraction from substances of natural origin or  
185 independently by means of chemical or biological synthesis, or by a combination of extraction  
186 and chemical synthesis, and includes any packaging or repackaging of the substance or labeling  
187 or relabeling of its container; and

188 (ii) the promotion and marketing of such drugs or devices.

189 (b) "Manufacturing" includes the preparation and promotion of commercially available  
190 products from bulk compounds for resale by pharmacies, practitioners, or other persons.

191 (c) "Manufacturing" does not include the preparation or compounding of a drug by a  
192 pharmacist, pharmacy intern, or practitioner for that individual's own use or the preparation,  
193 compounding, packaging, labeling of a drug, or incident to research, teaching, or chemical  
194 analysis.

195 [~~36~~] (35) "Medical order" means a lawful order of a practitioner which may include a  
196 prescription drug order.

197 [~~37~~] (36) "Medication profile" or "profile" means a record system maintained as to  
198 drugs or devices prescribed for a pharmacy patient to enable a pharmacist or pharmacy intern to  
199 analyze the profile to provide pharmaceutical care.

200 [~~38~~] (37) "Misbranded drug or device" means a drug or device considered  
201 misbranded under 21 U.S.C.S. Sec. 352 (2003).

202 [~~39~~] (38) (a) "Nonprescription drug" means a drug which:

203 (i) may be sold without a prescription; and

204 (ii) is labeled for use by the consumer in accordance with federal law.

205 (b) "Nonprescription drug" includes homeopathic remedies.

206 [~~40~~] (39) "Nonresident pharmacy" means a pharmacy located outside of Utah that  
207 sells to a person in Utah.

208 [~~41~~] (40) "Nuclear pharmacy" means a pharmacy providing radio-pharmaceutical  
209 service.

210 [~~42~~] (41) "Out-of-state mail service pharmacy" means a pharmaceutical facility  
211 located outside the state that is licensed and in good standing in another state, that:

212 (a) ships, mails, or delivers by any lawful means a dispensed legend drug to a patient in  
213 this state pursuant to a lawfully issued prescription;

214 (b) provides information to a patient in this state on drugs or devices which may  
215 include, but is not limited to, advice relating to therapeutic values, potential hazards, and uses;  
216 or

217 (c) counsels pharmacy patients residing in this state concerning adverse and therapeutic  
218 effects of drugs.

219 [~~(43)~~] (42) "Patient counseling" means the written and oral communication by the  
220 pharmacist or pharmacy intern of information, to the patient or caregiver, in order to ensure  
221 proper use of drugs, devices, and dietary supplements.

222 [~~(44)~~] (43) "Pharmaceutical administration facility" means a facility, agency, or  
223 institution in which:

224 (a) prescription drugs or devices are held, stored, or are otherwise under the control of  
225 the facility or agency for administration to patients of that facility or agency;

226 (b) prescription drugs are dispensed to the facility or agency by a licensed pharmacist  
227 or pharmacy intern with whom the facility has established a prescription drug supervising  
228 relationship under which the pharmacist or pharmacy intern provides counseling to the facility  
229 or agency staff as required, and oversees drug control, accounting, and destruction; and

230 (c) prescription drugs are professionally administered in accordance with the order of a  
231 practitioner by an employee or agent of the facility or agency.

232 [~~(45)~~] (44) (a) "Pharmaceutical care" means carrying out the following in collaboration  
233 with a prescribing practitioner, and in accordance with division rule:

234 (i) designing, implementing, and monitoring a therapeutic drug plan intended to  
235 achieve favorable outcomes related to a specific patient for the purpose of curing or preventing  
236 the patient's disease;

237 (ii) eliminating or reducing a patient's symptoms; or

238 (iii) arresting or slowing a disease process.

239 (b) "Pharmaceutical care" does not include prescribing of drugs without consent of a  
240 prescribing practitioner.

241 [~~(46)~~] (45) "Pharmaceutical facility" means a business engaged in the dispensing,  
242 delivering, distributing, manufacturing, or wholesaling of prescription drugs or devices within  
243 or into this state.

244 [~~(47)~~] (46) (a) "Pharmaceutical wholesaler or distributor" means a pharmaceutical



245 facility engaged in the business of wholesale vending or selling of ~~[any]~~ a prescription drug or  
246 device to other than ~~[the]~~ a consumer or user of the prescription drug or device~~[-, which]~~ that  
247 the pharmaceutical facility has not produced, manufactured, compounded, or dispensed.

248 (b) "Pharmaceutical wholesaler or distributor" does not include a pharmaceutical  
249 facility carrying out the following business activities:

250 (i) intracompany sales;

251 (ii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell,  
252 purchase, or trade a prescription drug or device, if the activity is carried out between one or  
253 more of the following entities under common ownership or common administrative control, as  
254 defined by division rule:

255 (A) hospitals ~~[or other health care facilities that are under common ownership or~~  
256 ~~control of the management and operation of the facilities];~~

257 (B) pharmacies;

258 (C) chain pharmacy warehouses, as defined by division rule; or

259 (D) other health care entities, as defined by division rule;

260 (iii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell,  
261 purchase, or trade a prescription drug or device, for emergency medical reasons, ~~[or to supply~~  
262 ~~another]~~ including supplying another pharmaceutical facility [to alleviate a temporary shortage;  
263 or] with a limited quantity of a drug, if:

264 (A) the facility is unable to obtain the drug through a normal distribution channel or  
265 other source in sufficient time to eliminate the risk of harm to a patient that would result from a  
266 delay in obtaining the drug; and

267 (B) the quantity of the drug does not exceed an amount reasonably required for  
268 immediate dispensing to eliminate the risk of harm;

269 (iv) the distribution of a prescription drug or device as a sample by representatives of a  
270 manufacturer~~[-]; and~~

271 (v) the distribution of prescription drugs, if:

272 (A) the dosage units distributed during a calendar year do not exceed five percent of  
273 the sum of the dosage units distributed by the facility during the calendar year and the dosage  
274 units dispensed by the facility during the calendar year; and

275 (B) the distribution otherwise complies with 21 C.F.R. Sec. 1307.11.

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, ~~§~~ [final review of the prescription] ~~§~~ [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 ~~§~~ [;] ~~§~~

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;

338 (k) providing emergency refills as defined by rule;

339 (l) telepharmacy; and

340 (m) formulary management intervention.

341 [~~57~~] (56) "Practice of telepharmacy" means the practice of pharmacy through the use  
342 of telecommunications and information technologies.

343 [~~58~~] (57) "Practice of telepharmacy across state lines" means the practice of  
344 pharmacy through the use of telecommunications and information technologies that occurs  
345 when the patient is physically located within one jurisdiction and the pharmacist is located in  
346 another jurisdiction.

347 [~~59~~] (58) "Practitioner" means an individual currently licensed, registered, or  
348 otherwise authorized by the appropriate jurisdiction to prescribe and administer drugs in the  
349 course of professional practice.

350 [~~60~~] (59) "Prescribe" means to issue a prescription:

351 (a) orally or in writing; or

352 (b) by telephone, facsimile transmission, computer, or other electronic means of  
353 communication as defined by division rule.

354 [~~61~~] (60) "Prescription" means an order issued:

355 (a) by a licensed practitioner in the course of that practitioner's professional practice or  
356 by collaborative pharmacy practice agreement; and

357 (b) for a controlled substance or other prescription drug or device for use by a patient  
358 or an animal.

359 [~~62~~] (61) "Prescription device" means an instrument, apparatus, implement, machine,  
360 contrivance, implant, in vitro reagent, or other similar or related article, and any component  
361 part or accessory, which is required under federal or state law to be prescribed by a practitioner  
362 and dispensed by or through a person or entity licensed under this chapter or exempt from  
363 licensure under this chapter.

364 [~~63~~] (62) "Prescription drug" means a drug that is required by federal or state law or  
365 rule to be dispensed only by prescription or is restricted to administration only by practitioners.

366 [~~64~~] (63) "Retail pharmacy" means a pharmaceutical facility dispensing prescription  
367 drugs and devices to the general public.

368 [~~65~~] (64) "Self-audit" means an internal evaluation of a pharmacy to determine

369 compliance with this chapter.

370 [~~(66)~~] (65) "Supervising pharmacist" means a pharmacist who is overseeing the  
371 operation of the pharmacy during a given day or shift.

372 [~~(67)~~] (66) "Supportive personnel" means unlicensed individuals who:

373 (a) may assist a pharmacist, pharmacist preceptor, pharmacy intern, or licensed  
374 pharmacy technician in nonjudgmental duties not included in the definition of the practice of  
375 pharmacy, practice of a pharmacy intern, or practice of a licensed pharmacy technician, and as  
376 those duties may be further defined by division rule adopted in collaboration with the board;  
377 and

378 (b) are supervised by a pharmacist in accordance with rules adopted by the division in  
379 collaboration with the board.

380 [~~(68)~~] (67) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-17b-501.

381 [~~(69)~~] (68) "Unprofessional conduct" is as defined in Sections 58-1-501 and  
382 58-17b-502 and may be further defined by rule.

383 [~~(70)~~] (69) "Veterinary pharmaceutical facility" means a pharmaceutical facility that  
384 dispenses drugs intended for use by animals or for sale to veterinarians for the administration  
385 for animals.

386 Section 2. Section **58-17b-304** is amended to read:

387 **58-17b-304. Qualifications for licensure of pharmacy intern.**

388 An applicant for licensure as a pharmacy intern shall:

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

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

391 (3) produce satisfactory evidence of good moral character as it relates to the applicant's  
392 ability to practice pharmacy;

393 (4) complete a criminal background check and be free from criminal convictions as  
394 described in Section 58-1-501;

395 (5) have no physical or mental condition of a nature which prevents the applicant from  
396 engaging in the practice of pharmacy with reasonable skill, competency, and safety to the  
397 public;

398 (6) meet the preliminary educational qualifications required by division rule made in  
399 collaboration with the board; and

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.**

431 (1) (a) Any pharmacy, except a wholesaler, distributor, out-of-state mail service  
432 pharmacy, or class E pharmacy, shall be under the general supervision of at least one  
433 pharmacist licensed to practice in Utah. One pharmacist licensed in Utah shall be designated  
434 as the pharmacist-in-charge, whose responsibility it is to oversee the operation of the pharmacy.

435 (b) Notwithstanding Subsection [~~58-17b-102(66)~~] 58-17b-102(65), a supervising  
436 pharmacist does not have to be in the pharmacy or care facility but shall be available via a  
437 telepharmacy system for immediate contact with the supervised pharmacy technician or  
438 pharmacy intern if:

439 (i) the pharmacy is located in:

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

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

442 (ii) the supervising pharmacist described in Subsection (1)(a) is not available; and

443 (iii) the telepharmacy system maintains records and files quarterly reports as required  
444 by division rule to assure that patient safety is not compromised.

445 (2) Each out-of-state mail service pharmacy shall designate and identify to the division  
446 a pharmacist holding a current license in good standing issued by the state in which the  
447 pharmacy is located and who serves as the pharmacist-in-charge for all purposes under this  
448 chapter.

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**Legislative Review Note**  
**as of 2-13-13 8:57 AM**

**Office of Legislative Research and General Counsel**