

**PHARMACIST AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad M. Daw**

Senate Sponsor: Evan J. Vickers

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**LONG TITLE**

**General Description:**

This bill permits a pharmacist, or a pharmacy intern or pharmacy technician who is directly supervised by a pharmacist, to administer Tamiflu.

**Highlighted Provisions:**

This bill:

- ▶ authorizes the use of a standing order issued by a physician to serve as authority for a pharmacist, or a pharmacy intern or pharmacy technician who is directly supervised by a pharmacist, to administer Tamiflu;
- ▶ creates standards and procedures that a pharmacist, pharmacy intern, or pharmacy technician must follow when administering Tamiflu; and
- ▶ limits liability for practitioners who issue a standing order for Tamiflu.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**26-67-101**, Utah Code Annotated 1953

**26-67-102**, Utah Code Annotated 1953

**26-67-103**, Utah Code Annotated 1953



- 28 [26-67-104](#), Utah Code Annotated 1953
- 29 [26-67-105](#), Utah Code Annotated 1953
- 30 [26-67-106](#), Utah Code Annotated 1953
- 31 [26-67-107](#), Utah Code Annotated 1953

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

34 Section 1. Section **26-67-101** is enacted to read:

35 **CHAPTER 67. TAMIFLU ACCESS ACT**

36 **26-67-101. Title.**

37 This chapter is known as the "Tamiflu Access Act."

38 Section 2. Section **26-67-102** is enacted to read:

39 **26-67-102. Definitions.**

40 As used in this chapter:

- 41 (1) "Administering" means the same as that term is defined in Section [58-17b-102](#).
- 42 (2) "Division" means the same as that term is defined in Section [58-17b-102](#).
- 43 (3) "Local health department" means:
  - 44 (a) a local health department, as defined in Section [26A-1-102](#); or
  - 45 (b) a multicounty local health department, as defined in Section [26A-1-102](#).
- 46 (4) "Pharmacist" means the same as that term is defined in Section [58-17b-102](#).
- 47 (5) "Pharmacy intern" means the same as that term is defined in Section [58-17b-102](#).
- 48 (6) "Pharmacy technician" means the same as that term is defined in Section
- 49 [58-17b-102](#).
- 50 (7) "Physician" means the same as that term is defined in Section [26-2-2](#).
- 51 (8) "Prescribe" means the same as that term is defined in Section [58-17b-102](#).
- 52 (9) "Prescription drug" means the same as that term is defined in Section [58-17b-102](#).
- 53 (10) "Tamiflu" means the prescription drug Tamiflu (oseltamivir phosphate) and
- 54 generic equivalents approved by the FDA.

55 Section 3. Section **26-67-103** is enacted to read:

56 **26-67-103. Voluntary participation.**

57 This chapter does not create a duty or standard of care for a person to prescribe or  
58 administer Tamiflu.

59 Section 4. Section **26-67-104** is enacted to read:

60 **26-67-104. Authorization to administer Tamiflu.**

61 Notwithstanding Title 58, Chapter 17b, Pharmacy Practice Act, a person licensed under  
62 Title 58, Chapter 17b, Pharmacy Practice Act, to administer Tamiflu may administer Tamiflu:

63 (1) pursuant to:

64 (a) a standing prescription drug order made in accordance with Section [26-67-105](#); and

65 (b) a training and continuing education program made in accordance with Section  
66 [26-67-105](#);

67 (2) without any other prescription drug order from a person licensed to prescribe  
68 Tamiflu; and

69 (3) in accordance with the administrative guidelines in Section [26-67-106](#).

70 Section 5. Section **26-67-105** is enacted to read:

71 **26-67-105. Standing prescription drug orders for Tamiflu.**

72 (1) A physician who is licensed to prescribe Tamiflu, including a physician acting in  
73 the physician's capacity as an employee of the department, or a medical director of a local  
74 health department, may issue a standing prescription drug order authorizing the administering  
75 of Tamiflu under Section [26-67-104](#) in accordance with a protocol that is established by rules  
76 made by the department in accordance with Title 63G, Chapter 3, Utah Administrative  
77 Rulemaking Act.

78 (2) The protocol described in Subsection (1) shall:

79 (a) require the physician to specify the individuals licensed to administer Tamiflu;

80 (b) require individuals authorized by the physician to have completed training and  
81 continuing education requirements; and

82 (c) require individuals authorized by the physician to administer Tamiflu to make and  
83 retain a record of each patient to whom Tamiflu is administered, including:

84 (i) the name of the patient;

85 (ii) the patient's primary care practitioner;

86 (iii) the date of administration of Tamiflu;

87 (iv) the name, address, and title of the administering or delegating pharmacist;

88 (v) the manufacturer of Tamiflu; and

89 (vi) the lot number of the Tamiflu administered.

90           (3) The department, in accordance with Title 63G, Chapter 3, Utah Administrative  
91 Rulemaking Act, shall make rules to establish the training and continuing education  
92 requirements described in Subsection (2)(b).

93           Section 6. Section **26-67-106** is enacted to read:

94           **26-67-106. Guidelines for administering Tamiflu.**

95           (1) A pharmacist, pharmacy intern, or pharmacy technician who administers Tamiflu  
96 under this chapter:

97           (a) shall obtain a completed self-screen risk assessment questionnaire, that has been  
98 approved by the division in collaboration with the Board of Pharmacy and the Physicians  
99 Licensing Board, from the patient before administering Tamiflu;

100           (b) may not administer Tamiflu if the results of the evaluation described in Subsection  
101 (1)(a) indicate that it is unsafe to administer Tamiflu;

102           (c) before administering Tamiflu, shall review the drug and the self-screen risk  
103 assessment;

104           (d) shall inform the patient or the patient's legal guardian of the specific benefits and  
105 risks of Tamiflu and provide the appropriate information statement for Tamiflu; and

106           (e) shall follow the protocol established in Subsection (3) to treat any adverse events  
107 following the administration of Tamiflu.

108           (2) A pharmacy technician or a pharmacy intern who administers Tamiflu under this  
109 chapter shall only administer Tamiflu under the on-site, direct supervision of a pharmacist who  
110 is authorized to administer Tamiflu under this chapter.

111           (3) The division, in collaboration with the Board of Pharmacy and the Physicians  
112 Licensing Board, shall make rules in accordance with Title 63G, Chapter 3, Utah  
113 Administrative Rulemaking Act, to establish:

114           (a) the self-screen risk assessment questionnaire described in Subsection (1)(a); and

115           (b) a protocol to follow for adverse events that result from the administration of  
116 Tamiflu.

117           Section 7. Section **26-67-107** is enacted to read:

118           **26-67-107. Limited civil liability.**

119           A physician who issues a standing prescription drug order in accordance with Section  
120 26-64-105 is not liable for any civil damages for acts or omissions resulting from an individual

121 administering Tamiflu under the standing prescription drug order.