

PUBLIC HEALTH ORDERS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stewart E. Barlow

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill amends provisions related to prescriptions issued within the public health system.

Highlighted Provisions:

This bill:

► removes the requirement that the physician who writes and signs a prescription for a prescription drug, other than a controlled substance, approve a written health department protocol governing prescriptions issued within the public health system; and

► grants authority to the medical director of a local health department to approve a written health department protocol under which prescriptions may be issued within the public health system, which is in addition to the same existing authority granted to the medical director of the Department of Health and Human Services.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-17b-620, as last amended by Laws of Utah 2023, Chapter 328



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

30 Section 1. Section **58-17b-620** is amended to read:

31 **58-17b-620. Prescriptions issued within the public health system.**

32 (1) As used in this section:

33 (a) "Department of Health and Human Services" means the Department of Health and
34 Human Services created in Section [26B-1-201](#).

35 (b) "Health department" means either the Department of Health and Human Services or
36 a local health department.

37 (c) "Local health departments" mean the local health departments created in Title 26A,
38 Chapter 1, Local Health Departments.

39 (2) When it is necessary to treat a reportable disease or non-emergency condition that
40 has a direct impact on public health, a health department may implement the prescription
41 procedure described in Subsection (3) for a prescription drug that is not a controlled substance
42 for use in:

43 (a) a clinic; or

44 (b) a remote or temporary off-site location, including a triage facility established in the
45 community, that provides:

46 (i) treatment for sexually transmitted infections;

47 (ii) fluoride treatment;

48 (iii) travel immunization;

49 (iv) preventative treatment for an individual with latent tuberculosis infection;

50 (v) preventative treatment for an individual at risk for an infectious disease that has a
51 direct impact on public health when the treatment is indicated to prevent the spread of disease
52 or to mitigate the seriousness of infection in the exposed individual; or

53 (vi) other treatment as defined by the Department of Health and Human Services by
54 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

55 (3) In a circumstance described in Subsection (2), an individual with prescriptive
56 authority may write a prescription for each contact, as defined in Section [26B-7-201](#), of a
57 patient of the individual with prescriptive authority without a face-to-face exam, if:

58 (a) the individual with prescriptive authority is treating the patient for a reportable

59 disease or non-emergency condition having a direct impact on public health; and

60 (b) the contact's condition is the same as the patient of the individual with prescriptive
61 authority.

62 (4) The following prescription procedure shall be carried out in accordance with the
63 requirements of Subsection (5) and may be used only in the circumstances described under
64 Subsections (2) and (3):

65 (a) a physician writes and signs a prescription for a prescription drug, other than a
66 controlled substance, without the name and address of the patient and without the date the
67 prescription is provided to the patient; and

68 (b) the physician authorizes a registered nurse employed by the health department to
69 complete the prescription written under this Subsection (4) by inserting the patient's name and
70 address, and the date the prescription is provided to the patient, in accordance with:

71 (i) the physician's standing written orders; and

72 (ii) a written health department protocol approved by [~~the physician and~~] the medical
73 director of the local health department or the [~~state~~] medical director of the Department of
74 Health and Human Services.

75 (5) A physician assumes responsibility for all prescriptions issued under this section in
76 the physician's name.

77 (6) (a) All prescription forms to be used by a physician and health department in
78 accordance with this section shall be serially numbered according to a numbering system
79 assigned to that health department.

80 (b) All prescriptions issued shall contain all information required under this chapter
81 and rules adopted under this chapter.

82 (7) Notwithstanding Sections 58-17b-302 and 58-17b-309, a nurse who is employed by
83 a health department and licensed under Chapter 31b, Nurse Practice Act, may dispense a drug
84 to treat a sexually transmitted infection if the drug is:

85 (a) a prepackaged drug as defined in Section 58-17b-802;

86 (b) dispensed under a prescription authorized by this section;

87 (c) provided at a location that is described in Subsection (2)(a) or (b) and operated by
88 the health department;

89 (d) provided in accordance with a dispensing standard that is issued by a physician who

90 is employed by the health department; and

91 (e) if applicable, in accordance with requirements established by the division in
92 collaboration with the board under Subsection (8).

93 (8) The division may make rules in collaboration with the board and in accordance
94 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish specific
95 requirements regarding the dispensing of a drug under Subsection (7).

96 Section 2. **Effective date.**

97 This bill takes effect on May 1, 2024.