

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 279

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1705, IDAHO CODE, TO REVISE A DEFINITION AND TO DEFINE A TERM.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-1705, Idaho Code, be, and the same is hereby amended to read as follows:

54-1705. DEFINITIONS. In this chapter:

(1) "Board of pharmacy" or "board" means the Idaho state board of pharmacy.

(2) "Counseling" or "counsel" means the effective communication by the pharmacist of information as set out in this chapter, to the patient or caregiver, in order to improve therapeutic outcomes by maximizing proper use of prescription medications and devices. Specific areas of counseling shall include, but are not limited to:

(a) Name and strength and description of the medication;

(b) Route of administration, dosage, dosage form, continuity of therapy and refill information;

(c) Special directions and precautions for preparation, administration, storage and use by the patient as deemed necessary by the pharmacist;

(d) Side effects or adverse effects and interactions and therapeutic contraindications that may be encountered, including their avoidance, which may interfere with the proper use of the medication or device as was intended by the prescriber, and the action required if they occur;

(e) Techniques for self-monitoring drug therapy; and

(f) Action to be taken in the event of a missed dose.

(3) "Deliver" or "delivery" means the actual, constructive or attempted transfer of a drug or device from one (1) person to another, whether or not for a consideration.

(4) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar related article including any component part or accessory which is:

(a) Recognized in the official United States Pharmacopoeia or official National Formulary, other drug compendia or any supplement to them;

(b) Intended for use in the diagnosis of disease or other conditions, or the cure, mitigation, treatment or prevention of disease in man or other animal;

(c) Intended to affect the structure or any function of the body of man or other animal, and which does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animal, and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

(5) "Dispense" or "dispensing" means the preparation and delivery of a prescription drug pursuant to a lawful order of a practitioner in a suitable container appropriately labeled for

1 subsequent administration to or use by a patient or other individual entitled to receive the
2 prescription drug.

3 (6) "Distribute" means the delivery of a drug other than by administering or dispensing.

4 (7) "Drug" means:

5 (a) Articles recognized as drugs in the official United States Pharmacopoeia, official
6 National Formulary, official Homeopathic Pharmacopoeia, other drug compendia or any
7 supplement to any of them;

8 (b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of
9 disease in man or other animal;

10 (c) Articles, other than food, intended to affect the structure or any function of the body
11 of man or other animals; and

12 (d) Articles intended for use as a component of any articles specified in paragraph (a),
13 (b) or (c) of this subsection.

14 (8) "Drug order" means a written order, in a hospital or other health care institution,
15 for an ultimate user of any drug or device issued and signed by a practitioner, or an order
16 transmitted by other means of communication from a practitioner, which is immediately
17 reduced to writing by a pharmacist, registered nurse or other licensed health care practitioner
18 authorized by the hospital or institution. The order shall contain the name and bed number of
19 the patient, the name and strength or size of the drug or device, unless specified by individual
20 institution policy or guideline, the amount to be dispensed, either in quantity or days, adequate
21 directions for the proper use of the drug or device when it is administered to the patient, and
22 the name of the prescriber.

23 (9) "Drug outlet" means all pharmacies, nursing homes, residential or assisted living
24 facilities, convalescent homes, extended care facilities, drug abuse treatment centers, penal
25 institutions, hospitals, family planning clinics, retail stores, wholesalers, manufacturers and mail
26 order vendors with facilities located in this state which are engaged in dispensing, delivery or
27 distribution of drugs and drug manufacturers and wholesalers with facilities located outside the
28 state, but doing business within this state and institutions engaged in telepharmacy.

29 (10) "Extern" means a bona fide student enrolled in an approved college of pharmacy who
30 has not received his first professional degree in pharmacy.

31 (11) "Externship" means a structured practical experience program in pharmacy, approved
32 by the board and administered by a college of pharmacy.

33 (12) "Health care facility" means a health care facility as defined in section 54-1601,
34 Idaho Code.

35 (13) "Intern" means any person who has completed a course of study at an approved
36 college of pharmacy, received the first professional degree in pharmacy and is registered with
37 the board as an intern. Interns must register with the board prior to commencement of an
38 internship program.

39 (14) "Internship" means a postgraduate practical experience program under the
40 supervision of a preceptor at a preceptor site.

41 (15) "Investigational or new drug" means any drug which is limited by state or federal
42 law to use under professional supervision of a practitioner authorized by law to prescribe or
43 administer such drug.

44 (16) "Labeling" means the process of preparing and affixing of a label to any drug
45 container, exclusive however, of the labeling by a manufacturer, packer or distributor of a

1 nonprescription drug or commercially packaged legend drug or device. Any such label shall
2 include all information required by federal and state law or regulation.

3 (17) "Manufacture" means the production, preparation, propagation, compounding,
4 conversion or processing of a device or a drug, either directly or indirectly by extraction
5 from substances of natural origin or independently by means of chemical synthesis or by a
6 combination of extraction and chemical synthesis and includes any packaging or repackaging of
7 the substance or labeling or relabeling of its container, except that this term does not include
8 the preparation or compounding of a drug by an individual for his own use or the preparation,
9 compounding, packaging or labeling of a drug:

10 (a) By a pharmacist or practitioner as an incident to his administering or dispensing of a
11 drug in the course of his professional practice; or

12 (b) By a practitioner or by his authorization under his supervision for the purpose of or
13 as an incident to research, teaching or chemical analysis and not for sale.

14 (18) "Manufacturer" means a person who by compounding, cultivating, harvesting,
15 mixing or other process, produces or prepares legend drugs, and includes persons who prepare
16 such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other
17 process, or who packages or repackages such drugs, but does not include pharmacists or
18 practitioners in the practice of their profession.

19 (19) "Nonprescription drugs" means medicines or drugs which may be sold without a
20 prescription and which are prepackaged for use by the consumer and labeled in accordance with
21 the requirements of the statutes and regulations of this state and the federal government.

22 (20) "Person" means an individual, corporation, partnership, association or any other legal
23 entity.

24 (21) "Pharmaceutical care" means drug therapy and other pharmaceutical patient care
25 services intended to achieve outcomes related to the cure or prevention of a disease, elimination
26 or reduction of a patient's symptoms, or arresting or slowing of a disease process as defined in
27 the rules of the board.

28 (22) "Pharmacist" means an individual licensed by this state to engage in the practice of
29 pharmacy.

30 (23) "Pharmacy" means any facility, department or other place where prescriptions are
31 filled or compounded and are sold, dispensed, offered or displayed for sale, which has, as its
32 principal purpose, the dispensing of drug and health supplies intended for the general health,
33 welfare and safety of the public.

34 (24) "Practitioner" shall mean a physician, dentist, veterinarian, scientific investigator or
35 other person licensed in this state and permitted by such license to dispense, conduct research
36 with respect to or administer drugs in the course of professional practice or research in this
37 state.

38 (25) "Precursor" means a substance, other than a legend drug which is an immediate
39 chemical intermediate that can be processed or synthesized into a legend drug, and is used or
40 produced primarily for use in the manufacture of a legend drug by persons other than persons
41 licensed to manufacture such legend drugs by the Idaho board of pharmacy, registered by the
42 state board of health and welfare, or licensed to practice pharmacy by the Idaho board of
43 pharmacy.

44 (26) "Preceptor" means a pharmacist licensed in the state and in good standing, who
45 supervises the internship training of a registered intern. The preceptor shall be actively

1 engaged in the practice of pharmacy on a full-time employment basis at a registered preceptor
2 site.

3 (27) "Preceptor site" means any training site for pharmacy interns and externs registered
4 with the board pursuant to board rule.

5 (28) "Prescription drug or legend drug" means a drug which, under federal law is
6 required, prior to being dispensed or delivered, to be labeled with one (1) of the following
7 statements:

8 (a) "Caution: Federal law prohibits dispensing without a prescription"; or

9 (b) "Rx Only"; or

10 (c) "Caution: Federal law restricts this drug to use by or on the order of a licensed
11 veterinarian";

12 or a drug which is required by any applicable federal or state law or regulation to be dispensed
13 on prescription only or is restricted to use by practitioners only.

14 (29) "Prescription drug order" means a lawful written or verbal order of a practitioner for
15 a drug or device for an ultimate user of the drug or device, issued and signed by a practitioner,
16 or an order transmitted verbally from a practitioner or the practitioner's agent to a pharmacist in
17 a pharmacy, or transmitted verbally from a practitioner and immediately reduced to writing by
18 a licensed practical nurse or licensed professional nurse in a health care facility for a patient or
19 resident of such facility.

20 (30) "Prospective drug review" includes, but is not limited to, the following activities:

21 (a) Evaluation of the prescription or medication order for:

22 (i) Known allergies;

23 (ii) Rational therapy contraindications;

24 (iii) Reasonable dose and route of administration; and

25 (iv) Reasonable directions for use.

26 (b) Evaluation of the prescription or medication order for duplication of therapy.

27 (c) Evaluation of the prescription or medication order for interactions:

28 (i) Drug-drug;

29 (ii) Drug-food; and

30 (iii) Drug-disease.

31 (d) Evaluation of the prescription or medication order for proper utilization:

32 (i) Over or under utilization; and

33 (ii) Abuse/misuse.

34 (31) "Record" means all papers, letters, memoranda, notes, prescriptions, drug orders,
35 invoices, statements, patient medication charts or files, computerized records or other written
36 indicia, documents or objects which are used in any way in connection with the purchase, sale
37 or handling of any drug or device.

38 (32) "Sale" means every sale and includes:

39 (a) Manufacturing, processing, transporting, handling, packaging or any other production,
40 preparation or repackaging;

41 (b) Exposure, offer, or any other proffer;

42 (c) Holding, storing or any other possession;

43 (d) Dispensing, giving, delivering or any other supplying; and

44 (e) Applying, administering or any other usage.

45 (33) "Telepharmacy" means the provision of pharmaceutical care by pharmacies and
46 pharmacists located within United States jurisdictions through the use of telecommunications.

1 internet or other technologies to patients at distances that are located within United States
2 jurisdictions as defined by the rules of the board.

3 (34) "Warehouseman" means a person who stores legend drugs for others and who has no
4 control over the disposition of such drugs except for the purpose of such storage.

5 (34~~5~~) "Wholesaler" means a person engaged in the business of distributing legend drugs
6 that he himself has not produced or prepared, to persons included in any of the classes named
7 in subsection (2)(a) through (f) of section 54-1734, Idaho Code.