

1 HLS 20-
2 Regular Session, 2020
3 House / Senate Bill No. _____
4 By Representative / Senator

5
6 PHARMACISTS: Provides relative to pharmacy collaborative drug therapy management and
7 pharmacist prescriptive authority.

8
9 AN ACT

10
11 To amend and reenact R.S. 37:1164(39), relative to pharmacy collaborative drug therapy
12 management, and to enact R.S. 37:1220, relative to pharmacist prescriptive authority.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 37:1164(39) is hereby amended and reenacted to read as follows:

15 §1164. Definitions

16 As used in this Chapter, the following terms have the meaning ascribed to them
17 by this Section:

18 * * *

19 (39) (a) ~~“Pharmacy collaborative drug therapy management practice” means that practice~~
20 ~~whereby a pharmacist or pharmacists have, on a voluntary basis, agreed to~~
21 ~~manage the disease-specific drug therapy of a patient under written protocol,~~
22 ~~working in conjunction with a physician licensed to practice medicine by the~~
23 ~~Louisiana State Board of Medical Examiners. Pharmacy collaborative drug~~
24 ~~therapy management does not include the substitution by the pharmacist of a~~

CODING: Words in ~~stricken~~ type are proposed deletions from existing law; words underscored are proposed additions.

25 ~~product that is not an equivalent drug product to the product originally prescribed~~
26 ~~by the physician or practitioner without the explicit consent of the physician or~~
27 ~~practitioner. Any pharmacy collaborative drug therapy management protocol~~
28 ~~shall adhere to rules and regulations promulgated by the board~~ the practice of
29 pharmacy whereby one or more pharmacists have jointly agreed to work in
30 conjunction with one or more practitioners to provide delegated patient care
31 services pursuant to a written agreement subject to rules promulgated by the
32 board.

33 ~~(b) (i) The Louisiana State Board of Medical Examiners and the Louisiana Board of~~
34 ~~Pharmacy shall initiate the rulemaking process in accordance with the~~
35 ~~provisions of the Administrative Procedure Act by publishing their respective~~
36 ~~notices of intent no later than one hundred twenty days following the effective~~
37 ~~date of this Subparagraph.~~

38 ~~(ii) If both boards have not initiated the rulemaking process in accordance with the~~
39 ~~provisions of the Administrative Procedure Act by publishing their respective~~
40 ~~notices of intent by one hundred twenty days following the effective date of~~
41 ~~this Subparagraph, then the boards shall appoint a committee composed of~~
42 ~~three physicians and three pharmacists, the physicians by the Louisiana State~~
43 ~~Board of Medical Examiners and the pharmacists by the Louisiana Board of~~
44 ~~Pharmacy. The committee shall complete the drafting process no later than~~
45 ~~one hundred eighty days following the effective date of this Subparagraph.~~

46 ~~(iii) If the boards have not initiated the rulemaking process in accordance with the~~
47 ~~provisions of the Administrative Procedure Act by publishing their respective~~
48 ~~notices of intent by one hundred eighty days following the effective date of this~~

49 ~~Subparagraph, then the Louisiana Board of Pharmacy shall have the authority~~
50 ~~to promulgate the rule required in R.S. 37:1164(39) independently of the~~
51 ~~Louisiana State Board of Medical Examiners.~~

52 * * *

53 Section 2. R.S. 37:1220 is hereby enacted to read as follows:

54 §1220. Pharmacist prescriptive authority

55 A. A pharmacist may prescribe drugs or devices in accordance with the product's
56 labeling, as approved by the federal food and drug administration or its
57 successor, subject to the following limitations:

58 (1) When the initiation of treatment is:

59 (a) Limited to conditions that do not require a new diagnosis;

60 (b) Based on a test that is used to guide clinical decision making that is
61 waived under the federal Clinical Laboratory Improvement
62 Amendment of 1988 (42 USC §263a) or its successor; or

63 (c) In circumstances where the patient faces an immediate health risk.

64 (2) In the event the secretary of the state health department determines a
65 public health crisis exists that requires immediate access to specific drugs
66 or devices.

67 (3) A pharmacist may discontinue a medication or device based on his
68 judgment that the treatment in question poses a health risk to the patient.

69 (4) The pharmacist shall:

70 (a) Communicate the prescription and its justification to the patient's
71 primary care practitioner through the most reliable method available;

72 and

73 (b) Assure the patient without a primary care home is directed to a
74 primary care practitioner for follow-up.

75 (5) The pharmacist shall not provide continuing treatment absent a
76 collaborative practice agreement as defined in this Chapter.

77 B. A pharmacist may order and interpret laboratory assessments as described by
78 rules promulgated by the board.

79 C. The board shall promulgate rules in accordance with the Administrative
80 Procedure Act to implement the provisions of this Section.

81 Section 3. The Louisiana State Law Institute is hereby authorized and directed to
82 alphabetize the entries in R.S. 37:1164.

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