

1 HLS/SLS 22-

2 Regular Session, 2022

3 House/Senate Bill No. _____

4 By Representative/Senator _____

5
6 HEALTH CARE: Provides relative to collaborative practice and statewide protocols for patient
7 care services by pharmacists.

8
9 AN ACT

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11 To amend and reenact R.S. 37:1164(39), relative to pharmacy collaborative drug therapy
12 management, to enact R.S. 37:1164(60), relative to collaborative practice agreement, to
13 enact R.S. 37:1220, relative to collaborative practice and statewide protocols for patient
14 care services by pharmacists, and to enact R.S. 37:1220.1, relative to the Public Health
15 and Pharmacy Protocol Advisory Committee.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. R.S. 37:1164(39) is hereby amended and reenacted and R.S. 37:1164(60) is
18 hereby enacted to read as follows:

19 §1164. Definitions

20 As used in this Chapter, the following terms have the meaning ascribed to them by this

21 Section:

22 * * *

23 (39)(a) ~~“Pharmacy collaborative drug therapy management” means that practice whereby~~
24 ~~a pharmacist or pharmacists have, on a voluntary basis, agreed to manage the~~

~~disease-specific drug therapy of a patient under written protocol, working in conjunction with a physician licensed to practice medicine by the Louisiana State Board of Medical Examiners. Pharmacy collaborative drug therapy management does not include the substitution by the pharmacist of a product that is not an equivalent drug product to the product originally prescribed by the physician or practitioner without the explicit consent of the physician or practitioner. Any pharmacy collaborative drug therapy management protocol shall adhere to rules and regulations promulgated by the board.~~

(b) (i) ~~— The Louisiana State Board of Medical Examiners and the Louisiana Board of Pharmacy shall initiate the rulemaking process in accordance with the provisions of the Administrative Procedure Act by publishing their respective notices of intent no later than one hundred twenty days following August 15, 2006.~~

(ii) ~~— If both boards have not initiated the rulemaking process in accordance with the provisions of the Administrative Procedure Act by publishing their respective notices of intent by one hundred twenty days following August 15, 2006, then the board shall appoint a committee composed of three physicians and three pharmacists, the physicians by the Louisiana State Board of Medical Examiners and the pharmacists by the Louisiana Board of Pharmacy. The committee shall complete the drafting process no later than one hundred eighty days following August 15, 2006.~~

(iii) ~~— If the boards have not initiated the rulemaking process in accordance with the provisions of the Administrative Procedure Act by publishing their respective notices of intent by one hundred eighty days following August~~

~~15, 2006, then the Louisiana Board of Pharmacy shall have the authority to promulgate the rule required in R.S. 37:1164(37) independently of the Louisiana Board of Medical Examiners.~~

“Collaborative practice” is that practice of pharmacy whereby one or more pharmacists have jointly agreed, on a voluntary basis, to work in conjunction with one or more practitioners to provide patient care services under protocol to achieve optimal medication use and desired patient outcomes. Collaborative practice activities shall comply with administrative rules promulgated by the board.

(60) “Collaborative practice agreement” is a written and signed agreement between one or more pharmacists and one or more practitioners that provides for collaborative practice as defined in this Chapter.

Section 2. R.S. 37:1220 and R.S. 37:1220.1 are hereby enacted to read as follows:

§1220. Collaborative practice; statewide protocols for patient care services by pharmacists

A. A pharmacist holding an active and unrestricted license issued by the board may, independently or in conjunction with one or more similarly licensed pharmacists, engage in collaborative practice with one or more practitioners in accordance with a collaborative practice agreement, subject to administrative rules promulgated by the board.

B. A pharmacist holding an active and restricted license issued by the board may, pursuant to a statewide patient care service protocol developed by the Public Health and Pharmacy Protocol Advisory Committee convened pursuant to R.S. 37:1220.1 and adopted by administrative rule, provide approved patient care services including, but not limited to, smoking cessation therapy and travel health services.

C. The board shall establish by administrative rule one or more statewide protocols for patient care services by pharmacists, as recommended by the Public Health and Pharmacy Protocol Advisory Committee. Such protocols for patient care services by pharmacists may authorize a pharmacist to prescribe and dispense prescription medications excluding controlled substances, as well as prescription devices and durable medical equipment pursuant to a medical diagnosis by a practitioner with prescriptive authority.

D. A pharmacist may order and administer post-diagnostic laboratory assessments, when so authorized by a collaborative practice agreement or patient care service protocol, subject to administrative rules promulgated by the board. A pharmacist may interpret the results of such testing, but shall not establish a medical diagnosis. A pharmacist shall not rely on results of such testing to independently issue a prescription, but may issue prescriptions when authorized by a collaborative practice agreement or patient care service protocol.

E. The board shall promulgate administrative rules in accordance with the Administrative Procedure Act to implement the provisions of this Section.

§1220.1. Public Health and Pharmacy Protocol Advisory Committee

A. The board shall convene a Public Health and Pharmacy Protocol Advisory Committee consisting of seven members for the purpose of recommending to the board for adoption by administrative rule statewide protocols for patient care services to implement the provisions of R.S. 37:1220. The members of the committee shall be:

1. Two physicians licensed to practice medicine, appointed by the Louisiana State Board of Medical Examiners.

97 2. Two advanced practice registered nurses with prescriptive authority, appointed
98 by the Louisiana State Board of Nursing.

99 3. Three pharmacists, appointed by the Louisiana Board of Pharmacy, at least one
100 of whom shall practice primarily within a community pharmacy and at least
101 one of whom shall practice primarily within an organized health system.

102 B. The Louisiana State Board of Medical Examiners, the Louisiana State Board of
103 Nursing and the Louisiana Board of Pharmacy shall appoint representatives to the
104 committee and shall appoint replacement members as needed.

105 C. The term of each member of the committee is two years. A member whose term
106 has expired shall continue to serve until a successor is appointed. If a vacancy
107 occurs, a person who is a representative of the same board as the departing member
108 shall serve for the remainder of the term.

109 D. A member of the committee who fails to attend two consecutive committee
110 meetings shall be removed from the committee unless the failure to attend was due
111 to a serious health condition of the member or family member of the member.

112 E. The committee shall elect one of its members to serve as chairperson and another
113 member to serve as vice chairperson.

114 F. Committee members are entitled to reimbursement of their travel expenses as
115 authorized by R.S. 39:231, to be paid by the Board of Pharmacy.

116 G. The committee shall recommend to the board for adoption by administrative rule
117 one or more statewide protocols for patient care services by pharmacists. The
118 committee shall periodically review the list of protocols and recommend revisions
119 to the board for adoption by administrative rule.

120 H. A pharmacist or practitioner may petition the committee for the addition of a new
121 statewide protocol for patient care service by pharmacists by submitting such
122 request using a form for this purpose supplied by the board.

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

125 [END]

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