

1 SENATE BILL NO. 112
2 INTRODUCED BY T. MCGILLVRAY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PHARMACIST PRESCRIBING AUTHORITY TO
5 ALLOW THE PRESCRIBING OF CERTAIN DRUGS OR DEVICES UNDER LIMITED CIRCUMSTANCES;
6 PROVIDING DEFINITIONS; AMENDING SECTIONS 37-2-101, 37-2-102, 37-2-103, 37-2-104, 37-2-108, 37-7-
7 101, AND 37-7-103, MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 NEW SECTION. Section 1. Pharmacist prescribing authority -- exception. (1) A pharmacist may
12 prescribe a drug or device for a legitimate medical purpose as allowed under this section for a person with
13 whom the pharmacist has a patient-prescriber relationship.

14 (2) A pharmacist shall establish the patient-prescriber relationship through a documented patient
15 evaluation that is adequate to:

- 16 (a) establish diagnoses, if the drug or device is being prescribed pursuant to subsection (3)(b); and
17 (b) identify underlying conditions and contraindications to the treatment.

18 (3) A pharmacist's prescribing authority is limited to drugs and devices that are prescribed for
19 conditions that:

- 20 (a) do not require a new diagnosis; or
21 (b) (i) are minor and generally self-limiting;
22 (ii) are diagnosed by or for which clinical decisions are made using a test that is waived under the
23 federal clinical laboratory improvement amendments of 1988; or
24 (iii) are patient emergencies.

25 (4) A pharmacist may prescribe only the drugs or devices for which the pharmacist is educationally
26 prepared and for which competency has been achieved and maintained.

27 (5) A pharmacist may not prescribe a controlled substance or an abortion-inducing drug as that
28 term is defined in 50-20-703.

- 1 (6) A pharmacist prescribing a drug or device pursuant to this section shall:
- 2 (a) recognize the limits of the pharmacist's knowledge and experience and consult with and refer
- 3 to other health care providers as appropriate; and
- 4 (b) maintain documentation sufficient to justify the care provided, including but not limited to the:
- 5 (i) information collected as part of the patient record;
- 6 (ii) prescription record;
- 7 (iii) provider notification; and
- 8 (iv) follow-up care plan.
- 9 (7) This section does not apply to a pharmacist who is operating within a collaborative pharmacy
- 10 practice agreement.

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12 **Section 2.** Section 37-2-101, MCA, is amended to read:

13 **"37-2-101. Definitions.** As used in this part, the following definitions apply:

14 (1) "Collaborative pharmacy practice agreement" has the meaning provided in 37-7-101.

15 ~~(4)~~(2) "Community pharmacy", when used in relation to a medical practitioner, means a pharmacy

16 situated within 10 miles of any place at which the medical practitioner maintains an office for professional

17 practice.

18 ~~(2)~~(3) "Controlled substance" has the meaning provided in 37-7-101.

19 ~~(3)~~(4) "Device" means any instrument, apparatus, or contrivance intended:

20 (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans;

21 (b) to affect the structure or any function of the body of humans.

22 ~~(4)~~(5) "Dispense" has the meaning provided in 37-7-101.

23 ~~(5)~~(6) "Drug" has the meaning provided in 37-7-101.

24 ~~(6)~~(7) "Drug company" means any person engaged in the manufacturing, processing, packaging, or

25 distribution of drugs. The term does not include a pharmacy.

26 ~~(7)~~(8) "Medical practitioner" means any person licensed by the state of Montana to engage in:

27 (a) the practice of medicine, dentistry, osteopathy, podiatry, or optometry;

28 (b) the practice of pharmacy and authorized to: