

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

3
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."

8
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:

26 (a) prescribe only the drugs or devices for which the pharmacist is educationally prepared and for
27 which competency has been achieved and maintained; and

Amendment - 1st Reading/2nd House-blue - Requested by: Tom McGillvray - (H) Human Services

68th Legislature

Drafter: Sue O'Connell, 406-444-3597

SB0112.001.003

1 (b) bill only for assessment services that were necessary, based on the pharmacist's professional
2 judgment, for the pharmacist's decision to prescribe a drug or device pursuant to this section.

3 (5) A pharmacist may not prescribe a controlled substance.

4 (6) A pharmacist prescribing a drug or device pursuant to this section shall:

5 (a) recognize the limits of the pharmacist's knowledge and experience and consult with and refer
6 to other health care providers as appropriate; and

7 (b) maintain documentation sufficient to justify the care provided, including but not limited to the:

8 (i) information collected as part of the patient record;

9 (ii) prescription record;

10 (iii) provider notification; and

11 (iv) follow-up care plan.

12 (7) This section does not apply to a pharmacist who is operating within a collaborative pharmacy
13 practice agreement.

14

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

16 **"37-2-101. Definitions.** As used in this part, the following definitions apply:

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

18 (4)(2) "Community pharmacy", when used in relation to a medical practitioner, means a pharmacy
19 situated within 10 miles of any place at which the medical practitioner maintains an office for professional
20 practice.

21 (2)(3) "Controlled substance" has the meaning provided in 37-7-101.

22 (3)(4) "Device" means any instrument, apparatus, or contrivance intended:

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

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

25 (4)(5) "Dispense" has the meaning provided in 37-7-101.

26 (5)(6) "Drug" has the meaning provided in 37-7-101.

27 (6)(7) "Drug company" means any person engaged in the manufacturing, processing, packaging, or