

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 219

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1
2 RELATING TO THE OUT-OF-STATE MAIL SERVICE PHARMACY ACT; AMENDING SECTION
3 54-1747, IDAHO CODE, TO PROVIDE FOR PROSPECTIVE DRUG REVIEW AND TO PRO-
4 VIDE FOR COUNSELING.

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

6 SECTION 1. That Section 54-1747, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 54-1747. PATIENT COMMUNICATION. (1) Every out-of-state mail service
9 pharmacy shall, during its regular hours of operation, but not less than six
10 (6) days per week, and for a minimum of forty (40) hours per week, provide a
11 toll-free telephone service to facilitate communication between patients in
12 this state and a pharmacist at the pharmacy who has access to the patient's
13 records. This toll-free number shall be disclosed on a label affixed to each
14 container of drugs dispensed to patients in this state.

15 (2) Before dispensing any prescription, an out-of-state mail service
16 pharmacy shall have a licensed pharmacist complete a prospective drug review
17 as defined in section 54-1705, Idaho Code.

18 (3) When dispensing a prescription for a new medication, or when other-
19 wise deemed necessary or appropriate, an out-of-state mail service pharmacy
20 shall require a licensed pharmacist to counsel the patient or caregiver. In
21 addition to the counseling requirements provided in section 54-1705, Idaho
22 Code, counseling shall include such supplemental written materials as re-
23 quired by law. For refills or renewed prescriptions, an employee of an out-
24 of-state mail service pharmacy shall extend an offer to counsel the patient
25 or caregiver by telephone or other telecommunications service. If such of-
26 fer is accepted, an out-of-state mail service pharmacy shall require a li-
27 icensed pharmacist to provide such counseling as necessary or appropriate in
28 the professional judgment of the licensed pharmacist. All counseling pro-
29 vided pursuant to this subsection shall be by person to person voice contact
30 with the patient or caregiver through the telephone or other telecommunica-
31 tions service. Nothing in this section shall require an out-of-state mail
32 service pharmacy to provide counseling when a patient or caregiver refuses
33 such counseling or when counseling is otherwise impossible.