

**DISPENSING MEDICAL PRACTITIONER AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions of the Pharmacy Practice Act to allow certain medical practitioners to dispense prescription drugs.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ establishes the license classification "dispensing medical practitioner" under the Pharmacy Practice Act that permits the following to dispense prescription drugs:
  - licensed physicians and surgeons;
  - licensed osteopathic physicians and surgeons;
  - licensed physician assistants; and
  - licensed nurse practitioners;
- ▶ establishes that practice as a dispensing medical practitioner does not include the prescription of a controlled substance; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



28 AMENDS:

29 **58-17b-102**, as last amended by Laws of Utah 2012, Chapters 265 and 320

30 **58-17b-612**, as last amended by Laws of Utah 2010, Chapter 101

31 ENACTS:

32 **58-17b-303.5**, Utah Code Annotated 1953



34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **58-17b-102** is amended to read:

36 **58-17b-102. Definitions.**

37 In addition to the definitions in Section 58-1-102, as used in this chapter:

38 (1) "Administering" means:

39 (a) the direct application of a prescription drug or device, whether by injection,  
40 inhalation, ingestion, or by any other means, to the body of a human patient or research subject  
41 by another person; or

42 (b) the placement by a veterinarian with the owner or caretaker of an animal or group  
43 of animals of a prescription drug for the purpose of injection, inhalation, ingestion, or any other  
44 means directed to the body of the animal by the owner or caretaker in accordance with written  
45 or verbal directions of the veterinarian.

46 (2) "Adulterated drug or device" means a drug or device considered adulterated under  
47 21 U.S.C.S. Sec. 351 (2003).

48 (3) (a) "Analytical laboratory" means a facility in possession of prescription drugs for  
49 the purpose of analysis.

50 (b) "Analytical laboratory" does not include a laboratory possessing prescription drugs  
51 used as standards and controls in performing drug monitoring or drug screening analysis if the  
52 prescription drugs are prediluted in a human or animal body fluid, human or animal body fluid  
53 components, organic solvents, or inorganic buffers at a concentration not exceeding one  
54 milligram per milliliter when labeled or otherwise designated as being for in vitro diagnostic  
55 use.

56 (4) "Animal euthanasia agency" means an agency performing euthanasia on animals by  
57 the use of prescription drugs.

58 (5) "Automated pharmacy systems" includes mechanical systems which perform

59 operations or activities, other than compounding or administration, relative to the storage,  
60 packaging, dispensing, or distribution of medications, and which collect, control, and maintain  
61 all transaction information.

62 (6) "Beyond use date" means the date determined by a pharmacist and placed on a  
63 prescription label at the time of dispensing that indicates to the patient or caregiver a time  
64 beyond which the contents of the prescription are not recommended to be used.

65 (7) "Board of pharmacy" or "board" means the Utah State Board of Pharmacy created  
66 in Section 58-17b-201.

67 (8) "Branch pharmacy" means a pharmacy or other facility in a rural or medically  
68 underserved area, used for the storage and dispensing of prescription drugs, which is dependent  
69 upon, stocked by, and supervised by a pharmacist in another licensed pharmacy designated and  
70 approved by the division as the parent pharmacy.

71 (9) "Centralized prescription processing" means the processing by a pharmacy of a  
72 request from another pharmacy to fill or refill a prescription drug order or to perform  
73 processing functions such as dispensing, drug utilization review, claims adjudication, refill  
74 authorizations, and therapeutic interventions.

75 (10) "Class A pharmacy" means a pharmacy located in Utah that is authorized as a  
76 retail pharmacy to compound or dispense a drug or dispense a device to the public under a  
77 prescription order.

78 (11) "Class B pharmacy":

79 (a) means a pharmacy located in Utah:

80 (i) that is authorized to provide pharmaceutical care for patients in an institutional  
81 setting; and

82 (ii) whose primary purpose is to provide a physical environment for patients to obtain  
83 health care services; and

84 (b) (i) includes closed-door, hospital, clinic, nuclear, and branch pharmacies; and

85 (ii) pharmaceutical administration and sterile product preparation facilities.

86 (12) "Class C pharmacy" means a pharmacy located in Utah that is authorized to  
87 engage in the manufacture, production, wholesale, or distribution of drugs or devices.

88 (13) "Class D pharmacy" means a nonresident pharmacy.

89 (14) "Class E pharmacy" means all other pharmacies.

90 (15) "Closed-door pharmacy" means a pharmacy that provides pharmaceutical care to a  
91 defined and exclusive group of patients who have access to the services of the pharmacy  
92 because they are treated by or have an affiliation with a specific entity, including a health  
93 maintenance organization or an infusion company, but not including a hospital pharmacy, a  
94 retailer of goods to the general public, or the office of a practitioner.

95 (16) "Collaborative pharmacy practice" means a practice of pharmacy whereby one or  
96 more pharmacists have jointly agreed, on a voluntary basis, to work in conjunction with one or  
97 more practitioners under protocol whereby the pharmacist may perform certain pharmaceutical  
98 care functions authorized by the practitioner or practitioners under certain specified conditions  
99 or limitations.

100 (17) "Collaborative pharmacy practice agreement" means a written and signed  
101 agreement between one or more pharmacists and one or more practitioners that provides for  
102 collaborative pharmacy practice for the purpose of drug therapy management of patients and  
103 prevention of disease of human subjects.

104 (18) (a) "Compounding" means the preparation, mixing, assembling, packaging, or  
105 labeling of a limited quantity drug, sterile product, or device:

106 (i) as the result of a practitioner's prescription order or initiative based on the  
107 practitioner, patient, or pharmacist relationship in the course of professional practice;

108 (ii) for the purpose of, or as an incident to, research, teaching, or chemical analysis and  
109 not for sale or dispensing; or

110 (iii) in anticipation of prescription drug orders based on routine, regularly observed  
111 prescribing patterns.

112 (b) "Compounding" does not include:

113 (i) the preparation of prescription drugs by a pharmacist or pharmacy intern for sale to  
114 another pharmacist or pharmaceutical facility;

115 (ii) the preparation by a pharmacist or pharmacy intern of any prescription drug in a  
116 dosage form which is regularly and commonly available from a manufacturer in quantities and  
117 strengths prescribed by a practitioner; or

118 (iii) the preparation of a prescription drug, sterile product, or device which has been  
119 withdrawn from the market for safety reasons.

120 (19) "Confidential information" has the same meaning as "protected health

121 information" under the Standards for Privacy of Individually Identifiable Health Information,  
122 45 C.F.R. Parts 160 and 164.

123 (20) "Controlled substance" has the same definition as in Section 58-37-2.

124 (21) "Dietary supplement" has the same meaning as Public Law Title 103, Chapter  
125 417, Sec. 3a(ff) which is incorporated by reference.

126 (22) "Dispense" means the interpretation, evaluation, and implementation of a  
127 prescription drug order or device or nonprescription drug or device under a lawful order of a  
128 practitioner in a suitable container appropriately labeled for subsequent administration to or use  
129 by a patient, research subject, or an animal.

130 (23) "Dispensing medical practitioner" means an individual who is:

131 (a) currently licensed as:

132 (i) a physician and surgeon under Title 58, Chapter 67, Utah Medical Practice Act;

133 (ii) an osteopathic physician and surgeon under Title 58, Chapter 68, Utah Osteopathic  
134 Medical Practice Act;

135 (iii) a physician assistant under Title 58, Chapter 70, Physician Assistant Act; or

136 (iv) a nurse practitioner under Title 58, Chapter 31b, Nurse Practice Act; and

137 (b) licensed by this state to engage in practice as a dispensing medical practitioner.

138 [~~23~~] (24) "Distribute" means to deliver a drug or device other than by administering  
139 or dispensing.

140 [~~24~~] (25) (a) "Drug" means:

141 (i) a substance recognized in the official United States Pharmacopoeia, Official  
142 Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any  
143 supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment, or  
144 prevention of disease in humans or animals;

145 (ii) a substance that is required by any applicable federal or state law or rule to be  
146 dispensed by prescription only or is restricted to administration by practitioners only;

147 (iii) a substance other than food intended to affect the structure or any function of the  
148 body of humans or other animals; and

149 (iv) substances intended for use as a component of any substance specified in  
150 Subsections [~~24~~] (25)(a)(i), (ii), (iii), and (iv).

151 (b) "Drug" does not include dietary supplements.

152            [~~(25)~~] (26) "Drug product equivalent" means a drug product that is designated as the  
153 therapeutic equivalent of another drug product in the Approved Drug Products with  
154 Therapeutic Equivalence Evaluations prepared by the Center for Drug Evaluation and Research  
155 of the Federal Food and Drug Administration.

156            [~~(26)~~] (27) "Drug regimen review" includes the following activities:

157            (a) evaluation of the prescription drug order and patient record for:

158            (i) known allergies;

159            (ii) rational therapy-contraindications;

160            (iii) reasonable dose and route of administration; and

161            (iv) reasonable directions for use;

162            (b) evaluation of the prescription drug order and patient record for duplication of  
163 therapy;

164            (c) evaluation of the prescription drug order and patient record for the following  
165 interactions:

166            (i) drug-drug;

167            (ii) drug-food;

168            (iii) drug-disease; and

169            (iv) adverse drug reactions; and

170            (d) evaluation of the prescription drug order and patient record for proper utilization,  
171 including over- or under-utilization, and optimum therapeutic outcomes.

172            [~~(27)~~] (28) "Drug sample" means a prescription drug packaged in small quantities  
173 consistent with limited dosage therapy of the particular drug, which is marked "sample", is not  
174 intended to be sold, and is intended to be provided to practitioners for the immediate needs of  
175 patients for trial purposes or to provide the drug to the patient until a prescription can be filled  
176 by the patient.

177            [~~(28)~~] (29) "Electronic signature" means a trusted, verifiable, and secure electronic  
178 sound, symbol, or process attached to or logically associated with a record and executed or  
179 adopted by a person with the intent to sign the record.

180            [~~(29)~~] (30) "Electronic transmission" means transmission of information in electronic  
181 form or the transmission of the exact visual image of a document by way of electronic  
182 equipment.

183           ~~[(30)]~~ (31) "Extern" means a college of pharmacy student enrolled in a college  
184 coordinated practical experience program in a health care setting under the supervision of a  
185 preceptor, as defined in this act, and approved by a college of pharmacy.

186           ~~[(31)]~~ (32) "Hospital pharmacy" means a pharmacy providing pharmaceutical care to  
187 inpatients of a general acute hospital or specialty hospital licensed by the Department of Health  
188 under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

189           ~~[(32)]~~ (33) "Legend drug" has the same meaning as prescription drug.

190           ~~[(33)]~~ (34) "Licensed pharmacy technician" means an individual licensed with the  
191 division, that may, under the supervision of a pharmacist, perform the activities involved in the  
192 technician practice of pharmacy.

193           ~~[(34)]~~ (35) "Manufacturer" means a person or business physically located in Utah  
194 licensed to be engaged in the manufacturing of drugs or devices.

195           ~~[(35)]~~ (36) (a) "Manufacturing" means:

196           (i) the production, preparation, propagation, conversion, or processing of a drug or  
197 device, either directly or indirectly, by extraction from substances of natural origin or  
198 independently by means of chemical or biological synthesis, or by a combination of extraction  
199 and chemical synthesis, and includes any packaging or repackaging of the substance or labeling  
200 or relabeling of its container; and

201           (ii) the promotion and marketing of such drugs or devices.

202           (b) "Manufacturing" includes the preparation and promotion of commercially available  
203 products from bulk compounds for resale by pharmacies, practitioners, or other persons.

204           (c) "Manufacturing" does not include the preparation or compounding of a drug by a  
205 pharmacist, pharmacy intern, or practitioner for that individual's own use or the preparation,  
206 compounding, packaging, labeling of a drug, or incident to research, teaching, or chemical  
207 analysis.

208           ~~[(36)]~~ (37) "Medical order" means a lawful order of a practitioner which may include a  
209 prescription drug order.

210           ~~[(37)]~~ (38) "Medication profile" or "profile" means a record system maintained as to  
211 drugs or devices prescribed for a pharmacy patient to enable a pharmacist or pharmacy intern to  
212 analyze the profile to provide pharmaceutical care.

213           ~~[(38)]~~ (39) "Misbranded drug or device" means a drug or device considered

214 misbranded under 21 U.S.C.S. Sec. 352 (2003).

215 [~~(39)~~] (40) (a) "Nonprescription drug" means a drug which:

216 (i) may be sold without a prescription; and

217 (ii) is labeled for use by the consumer in accordance with federal law.

218 (b) "Nonprescription drug" includes homeopathic remedies.

219 [~~(40)~~] (41) "Nonresident pharmacy" means a pharmacy located outside of Utah that  
220 sells to a person in Utah.

221 [~~(41)~~] (42) "Nuclear pharmacy" means a pharmacy providing radio-pharmaceutical  
222 service.

223 [~~(42)~~] (43) "Out-of-state mail service pharmacy" means a pharmaceutical facility  
224 located outside the state that is licensed and in good standing in another state, that:

225 (a) ships, mails, or delivers by any lawful means a dispensed legend drug to a patient in  
226 this state pursuant to a lawfully issued prescription;

227 (b) provides information to a patient in this state on drugs or devices which may  
228 include, but is not limited to, advice relating to therapeutic values, potential hazards, and uses;  
229 or

230 (c) counsels pharmacy patients residing in this state concerning adverse and therapeutic  
231 effects of drugs.

232 [~~(43)~~] (44) "Patient counseling" means the written and oral communication by the  
233 pharmacist or pharmacy intern of information, to the patient or caregiver, in order to ensure  
234 proper use of drugs, devices, and dietary supplements.

235 [~~(44)~~] (45) "Pharmaceutical administration facility" means a facility, agency, or  
236 institution in which:

237 (a) prescription drugs or devices are held, stored, or are otherwise under the control of  
238 the facility or agency for administration to patients of that facility or agency;

239 (b) prescription drugs are dispensed to the facility or agency by a licensed pharmacist  
240 or pharmacy intern with whom the facility has established a prescription drug supervising  
241 relationship under which the pharmacist or pharmacy intern provides counseling to the facility  
242 or agency staff as required, and oversees drug control, accounting, and destruction; and

243 (c) prescription drugs are professionally administered in accordance with the order of a  
244 practitioner by an employee or agent of the facility or agency.



245            [~~(45)~~] (46) (a) "Pharmaceutical care" means carrying out the following in collaboration  
246 with a prescribing practitioner, and in accordance with division rule:

247            (i) designing, implementing, and monitoring a therapeutic drug plan intended to  
248 achieve favorable outcomes related to a specific patient for the purpose of curing or preventing  
249 the patient's disease;

250            (ii) eliminating or reducing a patient's symptoms; or

251            (iii) arresting or slowing a disease process.

252            (b) "Pharmaceutical care" does not include prescribing of drugs without consent of a  
253 prescribing practitioner.

254            [~~(46)~~] (47) "Pharmaceutical facility" means a business engaged in the dispensing,  
255 delivering, distributing, manufacturing, or wholesaling of prescription drugs or devices within  
256 or into this state.

257            [~~(47)~~] (48) (a) "Pharmaceutical wholesaler or distributor" means a pharmaceutical  
258 facility engaged in the business of wholesale vending or selling of any prescription drug or  
259 device to other than the consumer or user of the prescription drug or device, which the  
260 pharmaceutical facility has not produced, manufactured, compounded, or dispensed.

261            (b) "Pharmaceutical wholesaler or distributor" does not include a pharmaceutical  
262 facility carrying out the following business activities:

263            (i) intracompany sales;

264            (ii) the sale, purchase, or trade of a prescription drug or device, or offer to sell,  
265 purchase or trade a prescription drug or device between hospitals or other health care facilities  
266 that are under common ownership or control of the management and operation of the facilities;

267            (iii) the sale, purchase, or trade of a prescription drug or device, or offer to sell,  
268 purchase, or trade a prescription drug or device for emergency medical reasons, or to supply  
269 another pharmaceutical facility to alleviate a temporary shortage; or

270            (iv) the distribution of a prescription drug or device as a sample by representatives of a  
271 manufacturer.

272            [~~(48)~~] (49) "Pharmacist" means an individual licensed by this state to engage in the  
273 practice of pharmacy.

274            [~~(49)~~] (50) "Pharmacist-in-charge" means a pharmacist currently licensed in good  
275 standing who accepts responsibility for the operation of a pharmacy in conformance with all

276 laws and rules pertinent to the practice of pharmacy and the distribution of drugs, and who is  
277 personally in full and actual charge of the pharmacy and all personnel.

278 ~~[(50)]~~ (51) "Pharmacist preceptor" means a licensed pharmacist in good standing with  
279 one or more years of licensed experience. The preceptor serves as a teacher, example of  
280 professional conduct, and supervisor of interns in the professional practice of pharmacy.

281 ~~[(51)]~~ (52) "Pharmacy" means any place where:

- 282 (a) drugs are dispensed;
- 283 (b) pharmaceutical care is provided;
- 284 (c) drugs are processed or handled for eventual use by a patient; or
- 285 (d) drugs are used for the purpose of analysis or research.

286 ~~[(52)]~~ (53) "Pharmacy benefits manager or coordinator" means a person or entity that  
287 provides pharmacy benefit management services as defined in Section 49-20-502 on behalf of a  
288 self-insured employer, insurance company, health maintenance organization, or other plan  
289 sponsor, as defined by rule.

290 ~~[(53)]~~ (54) "Pharmacy intern" means an individual licensed by this state to engage in  
291 practice as a pharmacy intern.

292 ~~[(54)]~~ (55) "Pharmacy technician training program" means an approved technician  
293 training program providing education for pharmacy technicians.

294 (56) (a) "Practice as a licensed dispensing medical practitioner" means the practice of  
295 pharmacy, specifically relating to the dispensing of a prescription drug in accordance with the  
296 scope of practice defined in division rule in collaboration with the board.

297 (b) "Practice as a licensed dispensing medical practitioner" does not include dispensing  
298 a controlled substance as defined in Section 58-37-2.

299 ~~[(55)]~~ (57) (a) "Practice as a licensed pharmacy technician" means engaging in practice  
300 as a pharmacy technician under the general supervision of a licensed pharmacist and in  
301 accordance with a scope of practice defined by division rule made in collaboration with the  
302 board.

303 (b) "Practice as a licensed pharmacy technician" does not include:

- 304 (i) performing a drug utilization review, prescription drug order clarification from a
- 305 prescriber, final review of the prescription and prescribed drug prepared for dispensing,
- 306 dispensing of the drug, or counseling a patient with respect to a prescription drug;

- 307 (ii) counseling regarding nonprescription drugs and dietary supplements unless  
308 delegated by the supervising pharmacist; or
- 309 (iii) receiving new prescription drug orders when communicating telephonically or  
310 electronically unless the original information is recorded so the pharmacist may review the  
311 prescription drug order as transmitted.
- 312 [(56)] (58) "Practice of pharmacy" includes the following:
- 313 (a) providing pharmaceutical care;
- 314 (b) collaborative pharmacy practice in accordance with a collaborative pharmacy  
315 practice agreement;
- 316 (c) compounding, packaging, labeling, dispensing, administering, and the coincident  
317 distribution of prescription drugs or devices, provided that the administration of a prescription  
318 drug or device is:
- 319 (i) pursuant to a lawful order of a practitioner when one is required by law; and  
320 (ii) in accordance with written guidelines or protocols:
- 321 (A) established by the licensed facility in which the prescription drug or device is to be  
322 administered on an inpatient basis; or
- 323 (B) approved by the division, in collaboration with the board and the Physicians  
324 Licensing Board, created in Section 58-67-201, if the prescription drug or device is to be  
325 administered on an outpatient basis solely by a licensed pharmacist;
- 326 (d) participating in drug utilization review;
- 327 (e) ensuring proper and safe storage of drugs and devices;
- 328 (f) maintaining records of drugs and devices in accordance with state and federal law  
329 and the standards and ethics of the profession;
- 330 (g) providing information on drugs or devices, which may include advice relating to  
331 therapeutic values, potential hazards, and uses;
- 332 (h) providing drug product equivalents;
- 333 (i) supervising pharmacist's supportive personnel, pharmacy interns, and pharmacy  
334 technicians;
- 335 (j) providing patient counseling, including adverse and therapeutic effects of drugs;
- 336 (k) providing emergency refills as defined by rule;
- 337 (l) telepharmacy; and

338 (m) formulary management intervention.

339 [~~(57)~~] (59) "Practice of telepharmacy" means the practice of pharmacy through the use  
340 of telecommunications and information technologies.

341 [~~(58)~~] (60) "Practice of telepharmacy across state lines" means the practice of  
342 pharmacy through the use of telecommunications and information technologies that occurs  
343 when the patient is physically located within one jurisdiction and the pharmacist is located in  
344 another jurisdiction.

345 [~~(59)~~] (61) "Practitioner" means an individual currently licensed, registered, or  
346 otherwise authorized by the appropriate jurisdiction to prescribe and administer drugs in the  
347 course of professional practice.

348 [~~(60)~~] (62) "Prescribe" means to issue a prescription:

349 (a) orally or in writing; or

350 (b) by telephone, facsimile transmission, computer, or other electronic means of  
351 communication as defined by division rule.

352 [~~(61)~~] (63) "Prescription" means an order issued:

353 (a) by a licensed practitioner in the course of that practitioner's professional practice or  
354 by collaborative pharmacy practice agreement; and

355 (b) for a controlled substance or other prescription drug or device for use by a patient  
356 or an animal.

357 [~~(62)~~] (64) "Prescription device" means an instrument, apparatus, implement, machine,  
358 contrivance, implant, in vitro reagent, or other similar or related article, and any component  
359 part or accessory, which is required under federal or state law to be prescribed by a practitioner  
360 and dispensed by or through a person or entity licensed under this chapter or exempt from  
361 licensure under this chapter.

362 [~~(63)~~] (65) "Prescription drug" means a drug that is required by federal or state law or  
363 rule to be dispensed only by prescription or is restricted to administration only by practitioners.

364 [~~(64)~~] (66) "Retail pharmacy" means a pharmaceutical facility dispensing prescription  
365 drugs and devices to the general public.

366 [~~(65)~~] (67) "Self-audit" means an internal evaluation of a pharmacy to determine  
367 compliance with this chapter.

368 [~~(66)~~] (68) "Supervising pharmacist" means a pharmacist who is overseeing the

369 operation of the pharmacy during a given day or shift.

370 [~~(67)~~] (69) "Supportive personnel" means unlicensed individuals who:

371 (a) may assist a pharmacist, pharmacist preceptor, pharmacy intern, or licensed  
372 pharmacy technician in nonjudgmental duties not included in the definition of the practice of  
373 pharmacy, practice of a pharmacy intern, or practice of a licensed pharmacy technician, and as  
374 those duties may be further defined by division rule adopted in collaboration with the board;  
375 and

376 (b) are supervised by a pharmacist in accordance with rules adopted by the division in  
377 collaboration with the board.

378 [~~(68)~~] (70) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-17b-501.

379 [~~(69)~~] (71) "Unprofessional conduct" is as defined in Sections 58-1-501 and  
380 58-17b-502 and may be further defined by rule.

381 [~~(70)~~] (72) "Veterinary pharmaceutical facility" means a pharmaceutical facility that  
382 dispenses drugs intended for use by animals or for sale to veterinarians for the administration  
383 for animals.

384 Section 2. Section **58-17b-303.5** is enacted to read:

385 **58-17b-303.5. Qualifications for licensure as a dispensing medical practitioner.**

386 An applicant for licensure as a dispensing medical practitioner shall:

387 (1) submit an application in a form prescribed by the division;

388 (2) pay a fee as determined by the department under Section 63J-1-504;

389 (3) produce satisfactory evidence of good moral character as it relates to the applicant's  
390 ability to practice pharmacy;

391 (4) complete a criminal background check and be free from criminal convictions as  
392 described in Section 58-1-501;

393 (5) have no physical or mental condition of a nature that prevents the applicant from  
394 engaging in the practice of pharmacy with reasonable skill, competency, and safety to the  
395 public;

396 (6) meet the preliminary educational qualifications required by division rule and in  
397 collaboration with the board; and

398 (7) have successfully passed examinations required by division rule made in  
399 collaboration with the board.

400 Section 3. Section **58-17b-612** is amended to read:

401 **58-17b-612. Supervision -- Pharmacist-in-charge.**

402 (1) (a) Any pharmacy, except a wholesaler, distributor, out-of-state mail service  
403 pharmacy, or class E pharmacy, shall be under the general supervision of at least one  
404 pharmacist licensed to practice in Utah. One pharmacist licensed in Utah shall be designated  
405 as the pharmacist-in-charge, whose responsibility it is to oversee the operation of the pharmacy.

406 (b) Notwithstanding Subsection 58-17b-102[~~(66)~~](68), a supervising pharmacist does  
407 not have to be in the pharmacy or care facility but shall be available via a telepharmacy system  
408 for immediate contact with the supervised pharmacy technician or pharmacy intern if:

409 (i) the pharmacy is located in:

410 (A) a remote rural hospital, as defined in Section 26-21-13.6; or

411 (B) a clinic located in a remote rural county with less than 20 people per square mile;

412 (ii) the supervising pharmacist described in Subsection (1)(a) is not available; and

413 (iii) the telepharmacy system maintains records and files quarterly reports as required  
414 by division rule to assure that patient safety is not compromised.

415 (2) Each out-of-state mail service pharmacy shall designate and identify to the division  
416 a pharmacist holding a current license in good standing issued by the state in which the  
417 pharmacy is located and who serves as the pharmacist-in-charge for all purposes under this  
418 chapter.

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**Legislative Review Note**  
**as of 3-1-13 7:28 PM**

**Office of Legislative Research and General Counsel**