

REFERENCE TITLE: pharmacists; independent testing; treatment

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1085

Introduced by
Senator Shope

AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY
ADDING SECTION 32-1979.04; RELATING TO THE ARIZONA STATE BOARD OF
PHARMACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 18, article 3, Arizona Revised
3 Statutes, is amended by adding section 32-1979.04, to read:

4 32-1979.04. Pharmacists; independent testing; treatment;
5 health conditions; health insurance coverage;
6 definition

7 A. PURSUANT TO A STATEWIDE WRITTEN PROTOCOL APPROVED BY THE ARIZONA
8 STATE BOARD OF PHARMACY, IN CONSULTATION WITH THE ARIZONA MEDICAL BOARD, A
9 PHARMACIST MAY INDEPENDENTLY ORDER, PERFORM AND INTERPRET TESTS AUTHORIZED
10 BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION AND WAIVED UNDER THE
11 CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988. A PHARMACIST MAY
12 INDEPENDENTLY INITIATE THERAPY TO ELIGIBLE PERSONS WHO ARE AT LEAST THREE
13 YEARS OF AGE AND WHO TEST POSITIVE FOR ANY OF THE FOLLOWING HEALTH
14 CONDITIONS:

- 15 1. INFLUENZA.
- 16 2. GROUP A STREPTOCOCCUS PHARYNGITIS.
- 17 3. SARS-COV-2 OR ANY OTHER RESPIRATORY ILLNESS, CONDITION OR
18 DISEASE.

19 4. A CONDITION RELATED TO AN EMERGING OR EXISTING PUBLIC HEALTH
20 THREAT IDENTIFIED BY THE DEPARTMENT OF HEALTH SERVICES FOR WHICH A
21 STATEWIDE STANDING ORDER, RULE OR EXECUTIVE ORDER IS ISSUED.

22 B. A PHARMACIST WHO ORDERS, CONDUCTS TESTING OR TREATS HEALTH
23 CONDITIONS PURSUANT TO SUBSECTION A OF THIS SECTION SHALL USE ANY TEST
24 THAT MAY GUIDE CLINICAL DECISION-MAKING FOR WHICH A WAIVER HAS BEEN
25 OBTAINED UNDER THE CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988, OR
26 THE FEDERAL RULES ADOPTED THEREUNDER, OR ANY SCREENING PROCEDURE THAT IS
27 ESTABLISHED BY THE STATEWIDE WRITTEN PROTOCOL.

28 C. PHARMACISTS SHALL USE EVIDENCE-BASED CLINICAL GUIDELINES
29 PUBLISHED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION OR THE
30 INFECTIOUS DISEASES SOCIETY OF AMERICA OR OTHER CLINICALLY RECOGNIZED
31 RECOMMENDATIONS IN PROVIDING PATIENT TREATMENT PURSUANT TO SUBSECTION A OF
32 THIS SECTION.

33 D. AN ELIGIBLE PERSON MUST MEET CRITERIA FOR TREATMENT BASED ON
34 CURRENT CLINICAL GUIDELINES, IF AVAILABLE, OR EVIDENCE-BASED RESEARCH
35 FINDINGS THAT SPECIFY THE FOLLOWING:

- 36 1. PATIENT INCLUSION AND EXCLUSION CRITERIA.
- 37 2. EXPLICIT MEDICAL REFERRAL CRITERIA.

38 E. A PHARMACIST SHALL REFER A PATIENT TO THE PATIENT'S IDENTIFIED
39 PRIMARY CARE PROVIDER, IF ONE IS IDENTIFIED, IF THE PATIENT EITHER:

- 40 1. IS NOT ELIGIBLE FOR PATIENT TREATMENT PURSUANT TO THIS SECTION
41 AND PRESENTS WITH DIFFERENTIAL SYMPTOMS.
- 42 2. DOES NOT RESPOND TO THE INITIAL TREATMENT PROVIDED PURSUANT TO
43 THIS SECTION.

1 F. A PHARMACIST WHO INITIATES A TREATMENT UNDER THIS SECTION SHALL:
2 1. NOTIFY THE PATIENT'S IDENTIFIED PRIMARY CARE PROVIDER, IF ONE IS
3 IDENTIFIED, WITHIN SEVENTY-TWO HOURS AFTER INITIATING THE TREATMENT. THE
4 NOTICE SHALL INCLUDE THE PATIENT'S NAME, THE TREATMENT INITIATED AND THE
5 DATE OF TREATMENT AND MAY BE SUBMITTED BY PHONE, FAX, MAIL OR EMAIL. THE
6 PHARMACIST SHALL MAKE A REASONABLE EFFORT TO IDENTIFY THE PATIENT'S
7 PRIMARY CARE PROVIDER BY AT LEAST ONE OF THE FOLLOWING METHODS:
8 (a) CHECKING PHARMACY RECORDS.
9 (b) REQUESTING THE INFORMATION FROM THE PATIENT OR, FOR A PATIENT
10 UNDER EIGHTEEN YEARS OF AGE, THE PATIENT'S PARENT OR GUARDIAN.
11 2. MAINTAIN A RECORD OF THE RESULTS OF ANY TESTING OR SCREENING FOR
12 WHICH A TREATMENT IS INITIATED.
13 3. NOTIFY THE PATIENT'S IDENTIFIED PRIMARY CARE PROVIDER, IF ONE IS
14 IDENTIFIED, WITHIN FORTY-EIGHT HOURS AFTER THE OCCURRENCE OF ANY ADVERSE
15 REACTION THAT IS REPORTED TO OR WITNESSED BY THE PHARMACIST AS A RESULT OF
16 THE TREATMENT.
17 4. PROVIDE INFORMATIONAL MATERIALS TO THE PATIENT REQUESTING
18 TREATMENT OR, FOR A PATIENT UNDER EIGHTEEN YEARS OF AGE, TO THE PATIENT'S
19 PARENT OR GUARDIAN ABOUT THE IMPORTANCE OF PEDIATRIC PREVENTIVE HEALTH
20 CARE VISITS AS RECOMMENDED BY THE AMERICAN ACADEMY OF PEDIATRICS.
21 G. A PHARMACIST MAY DELEGATE THE ADMINISTRATIVE AND TECHNICAL TASKS
22 OF PERFORMING A TEST WAIVED BY THE CLINICAL LABORATORY IMPROVEMENT
23 AMENDMENTS OF 1988 TO A TRAINED MEMBER OF THE PHARMACY STAFF WHO IS UNDER
24 THE SUPERVISION OF THE PHARMACIST. A PHARMACIST MAY NOT DELEGATE ANY
25 TASKS THAT INCLUDE CLINICAL JUDGMENT AND SHALL DELEGATE ONLY ANCILLARY
26 DUTIES AS ALLOWED BY BOARD RULES.
27 H. NOTWITHSTANDING ANY OTHER LAW, A HEALTH INSURER MAY NOT DENY
28 REIMBURSEMENT FOR ANY TEST, SCREENING OR TREATMENT PERFORMED BY A
29 PHARMACIST THAT IS WITHIN THE SCOPE OF THE PHARMACIST'S LICENSE AND WOULD
30 BE COVERED IF THE TEST, SCREENING OR TREATMENT WERE PERFORMED BY A
31 PHYSICIAN WHO IS LICENSED PURSUANT TO CHAPTER 13 OR 17 OF THIS TITLE, A
32 REGISTERED NURSE PRACTITIONER WHO IS LICENSED PURSUANT TO CHAPTER 15 OF
33 THIS TITLE OR A PHYSICIAN ASSISTANT WHO IS LICENSED PURSUANT TO CHAPTER 25
34 OF THIS TITLE.
35 I. THIS SECTION DOES NOT ESTABLISH A CAUSE OF ACTION AGAINST A
36 PATIENT'S PRIMARY CARE PROVIDER FOR ANY ADVERSE REACTION, COMPLICATION OR
37 NEGATIVE OUTCOME ARISING FROM THE TREATMENT INITIATED BY A PHARMACIST
38 PURSUANT TO THIS SECTION IF THE TREATMENT IS INITIATED WITHOUT A
39 PRESCRIPTION ORDER WRITTEN BY THE PATIENT'S PRIMARY CARE PROVIDER.
40 J. A PHARMACIST MAY NOT INDEPENDENTLY ORDER A TEST OR SCREENING OR
41 TREAT A MINOR WITHOUT THE CONSENT OF THE MINOR'S PARENT OR GUARDIAN.
42 K. FOR THE PURPOSES OF THIS SECTION, "HEALTH INSURER" HAS THE SAME
43 MEANING PRESCRIBED IN SECTION 20-242.