

Senate Engrossed

pharmacists; independent testing; treatment

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

SENATE BILL 1085

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

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

- 14 1. INFLUENZA.
- 15 2. GROUP A STREPTOCOCCUS PHARYNGITIS.
- 16 3. A RESPIRATORY ILLNESS, CONDITION OR DISEASE.
- 17 4. A CONDITION RELATED TO AN EMERGING OR EXISTING PUBLIC HEALTH
18 THREAT IDENTIFIED BY THE DEPARTMENT OF HEALTH SERVICES FOR WHICH A
19 STATEWIDE STANDING ORDER, RULE OR EXECUTIVE ORDER IS ISSUED.

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

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

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

- 34 1. PATIENT INCLUSION AND EXCLUSION CRITERIA.
- 35 2. EXPLICIT MEDICAL REFERRAL CRITERIA.

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

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

42 F. A PHARMACIST WHO INITIATES A TREATMENT UNDER THIS SECTION SHALL:
43 1. NOTIFY THE PATIENT'S IDENTIFIED PRIMARY CARE PROVIDER, IF ONE IS
44 IDENTIFIED, WITHIN SEVENTY-TWO HOURS AFTER INITIATING THE TREATMENT. THE
45 NOTICE SHALL INCLUDE THE PATIENT'S NAME, THE TREATMENT INITIATED AND THE

1 DATE OF TREATMENT AND MAY BE SUBMITTED BY PHONE, FAX, MAIL OR EMAIL. THE
2 PHARMACIST SHALL MAKE A REASONABLE EFFORT TO IDENTIFY THE PATIENT'S
3 PRIMARY CARE PROVIDER BY AT LEAST ONE OF THE FOLLOWING METHODS:

4 (a) CHECKING PHARMACY RECORDS.

5 (b) REQUESTING THE INFORMATION FROM THE PATIENT OR, FOR A PATIENT
6 UNDER EIGHTEEN YEARS OF AGE, THE PATIENT'S PARENT OR GUARDIAN.

7 2. MAINTAIN A RECORD OF THE RESULTS OF ANY TESTING OR SCREENING FOR
8 WHICH A TREATMENT IS INITIATED FOR A PERIOD OF SEVEN YEARS.

9 3. NOTIFY THE PATIENT'S IDENTIFIED PRIMARY CARE PROVIDER, IF ONE IS
10 IDENTIFIED, WITHIN FORTY-EIGHT HOURS AFTER THE OCCURRENCE OF ANY ADVERSE
11 REACTION THAT IS REPORTED TO OR WITNESSED BY THE PHARMACIST AS A RESULT OF
12 THE TREATMENT.

13 4. PROVIDE INFORMATIONAL MATERIALS TO THE PATIENT REQUESTING
14 TREATMENT OR, FOR A PATIENT UNDER EIGHTEEN YEARS OF AGE, TO THE PATIENT'S
15 PARENT OR GUARDIAN ABOUT THE IMPORTANCE OF PEDIATRIC PREVENTIVE HEALTH
16 CARE VISITS AS RECOMMENDED BY THE AMERICAN ACADEMY OF PEDIATRICS.

17 G. A PHARMACIST MAY DELEGATE THE TASK OF PERFORMING A TEST WAIVED
18 BY THE CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988 TO A LICENSED
19 MEMBER OF THE PHARMACY STAFF WHO IS UNDER THE SUPERVISION OF THE
20 PHARMACIST. A PHARMACIST MAY NOT DELEGATE ANY TASKS THAT INCLUDE CLINICAL
21 JUDGMENT AND SHALL DELEGATE ONLY ANCILLARY DUTIES AS ALLOWED BY BOARD
22 RULES.

23 H. THIS SECTION DOES NOT ESTABLISH A CAUSE OF ACTION AGAINST A
24 PATIENT'S PRIMARY CARE PROVIDER FOR ANY ADVERSE REACTION, COMPLICATION OR
25 NEGATIVE OUTCOME ARISING FROM THE TREATMENT INITIATED BY A PHARMACIST
26 PURSUANT TO THIS SECTION IF THE TREATMENT IS INITIATED WITHOUT A
27 PRESCRIPTION ORDER WRITTEN BY THE PATIENT'S PRIMARY CARE PROVIDER.

28 I. A PHARMACIST MAY NOT INDEPENDENTLY ORDER A TEST OR SCREENING OR
29 TREAT A MINOR WITHOUT THE CONSENT OF THE MINOR'S PARENT OR GUARDIAN.