

REFERENCE TITLE: pharmacists; independent testing; treatment

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1214

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; statewide protocol; independent
5 testing; treatment; health conditions;
6 notification requirements

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 THAT ARE
10 AUTHORIZED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION AND WAIVED
11 UNDER THE CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988 (P.L.
12 100-578; 102 STAT. 2903; 42 UNITED STATES CODE SECTION 201). A PHARMACIST
13 MAY INDEPENDENTLY INITIATE TREATMENT TO ELIGIBLE PERSONS WHO ARE AT LEAST
14 SIX YEARS OF AGE OR THE AGE AUTHORIZED BY THE TREATMENT, WHICHEVER AGE IS
15 OLDER, AND WHO HAVE TEST RESULTS THAT INDICATE THE NEED FOR TREATMENT, BY
16 A TEST THAT IS AUTHORIZED BY THE UNITED STATES FOOD AND DRUG
17 ADMINISTRATION AND WAIVED UNDER THE CLINICAL LABORATORY IMPROVEMENT
18 AMENDMENTS OF 1988, FOR ANY OF THE FOLLOWING HEALTH CONDITIONS:

19 1. INFLUENZA.

20 2. GROUP A STREPTOCOCCUS PHARYNGITIS.

21 3. A RESPIRATORY ILLNESS, CONDITION OR DISEASE THAT DOES NOT
22 REQUIRE ADDITIONAL DIAGNOSTIC IMAGING TO DIAGNOSE BEYOND A TEST WAIVED
23 UNDER THE CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988.

24 4. HUMAN IMMUNODEFICIENCY VIRUS PREEXPOSURE PROPHYLAXIS OR
25 POSTEXPOSURE PROPHYLAXIS.

26 5. A CONDITION RELATED TO AN EMERGING OR EXISTING PUBLIC HEALTH
27 THREAT IDENTIFIED BY THE DEPARTMENT OF HEALTH SERVICES FOR WHICH A
28 STATEWIDE STANDING ORDER, RULE OR EXECUTIVE ORDER IS ISSUED.

29 B. WHEN DEVELOPING THE STATEWIDE WRITTEN PROTOCOL IN CONSULTATION
30 WITH THE ARIZONA MEDICAL BOARD, THE ARIZONA STATE BOARD OF PHARMACY SHALL
31 ADDRESS AT A MINIMUM THE FOLLOWING:

32 1. DOCUMENTATION.

33 2. RECORDS RETENTION.

34 3. REFERRALS.

35 4. PATIENT SCREENING REQUIREMENTS AND OBTAINING RELEVANT MEDICAL
36 HISTORY.

37 5. EXCLUSION CRITERIA.

38 6. TREATMENT INSTRUCTIONS BASED ON THE PATIENT'S AGE AND MEDICAL
39 HISTORY.

40 7. FOLLOW-UP MAINTENANCE AND CARE PLANS.

41 8. ANY NECESSARY PHARMACIST TRAINING CERTIFICATION.

42 C. A PHARMACIST WHO ORDERS OR CONDUCTS TESTING OR TREATS HEALTH
43 CONDITIONS PURSUANT TO SUBSECTION A OF THIS SECTION SHALL USE ANY TEST
44 THAT MAY GUIDE CLINICAL DECISION-MAKING FOR WHICH A WAIVER HAS BEEN
45 OBTAINED UNDER THE CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988, OR

1 THE FEDERAL RULES ADOPTED THEREUNDER, OR ANY SCREENING PROCEDURE THAT IS
2 ESTABLISHED BY THE STATEWIDE WRITTEN PROTOCOL.

3 D. A PHARMACIST SHALL USE EVIDENCE-BASED CLINICAL GUIDELINES
4 PUBLISHED BY THE UNITED STATES CENTERS FOR DISEASE CONTROL AND PREVENTION
5 OR THE INFECTIOUS DISEASES SOCIETY OF AMERICA OR ANOTHER CLINICALLY
6 RECOGNIZED RECOMMENDATION IN PROVIDING PATIENT TREATMENT PURSUANT TO
7 SUBSECTION A OF THIS SECTION.

8 E. AN ELIGIBLE PERSON MUST MEET CRITERIA FOR TREATMENT BASED ON
9 CURRENT CLINICAL GUIDELINES, IF AVAILABLE, THE STATEWIDE WRITTEN PROTOCOL
10 OR EVIDENCE-BASED RESEARCH FINDINGS THAT SPECIFY THE FOLLOWING:

- 11 1. PATIENT INCLUSION AND EXCLUSION CRITERIA.
- 12 2. EXPLICIT MEDICAL REFERRAL CRITERIA.

13 F. A PHARMACIST SHALL REFER A PATIENT TO THE PATIENT'S IDENTIFIED
14 PRIMARY CARE PROVIDER, IF ONE IS IDENTIFIED, IF THE PATIENT EITHER:

- 15 1. IS NOT ELIGIBLE FOR PATIENT TREATMENT PURSUANT TO THIS SECTION
16 AND PRESENTS WITH DIFFERENTIAL SYMPTOMS.
- 17 2. DOES NOT RESPOND TO THE INITIAL TREATMENT PROVIDED PURSUANT TO
18 THIS SECTION.

19 G. A PHARMACIST WHO INITIATES A TREATMENT UNDER THIS SECTION SHALL:

20 1. NOTIFY THE PATIENT'S IDENTIFIED PRIMARY CARE PROVIDER, IF ONE IS
21 IDENTIFIED, WITHIN SEVENTY-TWO HOURS AFTER INITIATING TREATMENT PURSUANT
22 TO THIS SECTION. THE NOTICE SHALL INCLUDE THE PATIENT'S NAME, THE
23 TREATMENT INITIATED AND THE DATE OF TREATMENT AND MAY BE SUBMITTED BY
24 ENTRY INTO AN ELECTRONIC HEALTH RECORD OR BY TELEPHONE, FAX, MAIL OR
25 EMAIL. THE PHARMACIST SHALL MAKE A REASONABLE EFFORT TO IDENTIFY THE
26 PATIENT'S PRIMARY CARE PROVIDER BY AT LEAST ONE OF THE FOLLOWING METHODS:

- 27 (a) CHECKING PHARMACY RECORDS.
- 28 (b) REQUESTING THE INFORMATION FROM THE PATIENT OR, FOR A PATIENT
29 UNDER EIGHTEEN YEARS OF AGE, THE PATIENT'S PARENT OR GUARDIAN.

30 2. MAINTAIN A RECORD OF THE RESULTS OF ANY TESTING OR SCREENING FOR
31 WHICH A TREATMENT IS INITIATED PURSUANT TO THIS SECTION FOR A PERIOD OF
32 SEVEN YEARS.

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

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

41 H. A PHARMACIST MAY DELEGATE THE TASK OF PERFORMING A TEST WAIVED
42 BY THE CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988 TO A LICENSED
43 MEMBER OF THE PHARMACY STAFF WHO IS UNDER THE SUPERVISION OF THE
44 PHARMACIST. A PHARMACIST MAY NOT DELEGATE ANY TASKS THAT INCLUDE CLINICAL
45 JUDGMENT AND MAY DELEGATE ONLY ANCILLARY DUTIES AS ALLOWED BY BOARD RULES.

- 1 I. THIS SECTION DOES NOT ESTABLISH A CAUSE OF ACTION AGAINST A
2 PATIENT'S PRIMARY CARE PROVIDER FOR ANY ADVERSE REACTION, COMPLICATION OR
3 NEGATIVE OUTCOME ARISING FROM ANY TREATMENT INITIATED BY A PHARMACIST
4 PURSUANT TO THIS SECTION IF THE TREATMENT IS INITIATED WITHOUT A
5 PRESCRIPTION ORDER WRITTEN BY THE PATIENT'S PRIMARY CARE PROVIDER.
- 6 J. A PHARMACIST MAY NOT INDEPENDENTLY INITIATE A TREATMENT USING
7 OPIOIDS FOR A PATIENT.
- 8 K. A PHARMACIST MAY NOT INDEPENDENTLY ORDER A TEST OR SCREENING OR
9 TREAT A MINOR WITHOUT THE WRITTEN CONSENT OF THE MINOR'S PARENT OR
10 GUARDIAN.