

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1246

5 By: Representatives Bragg, Eubanks
6 By: Senators D. Wallace, Hester
7

For An Act To Be Entitled

9 AN ACT TO ALLOW PHARMACISTS TO TREAT CERTAIN HEALTH
10 CONDITIONS; AND FOR OTHER PURPOSES.
11

Subtitle

14 TO ALLOW PHARMACISTS TO TREAT CERTAIN
15 HEALTH CONDITIONS.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. DO NOT CODIFY. Purpose.

21 It is the purpose of this act to authorize pharmacists in Arkansas to
22 test and screen for health conditions that the Centers for Medicare and
23 Medicaid Services has determined qualify for a waiver under the federal
24 Clinical Laboratory Improvement Amendments of 1988, the federal regulations
25 adopted, or any established screening procedures that can safely be performed
26 by a pharmacist.
27

28 SECTION 2. Arkansas Code § 17-92-101(17)(A)(x), concerning the
29 definition of "practice of pharmacy", is amended to read as follows:

30 (x)(a) Providing pharmacy care; ~~and.~~

31 (b) A pharmacist may treat the following
32 conditions within the framework of a written protocol:

33 (1) Influenza;

34 (2) Pharyngitis caused by streptococcus

35 A;

36 (3) Lice;



- 1 (4) Skin conditions, such as ringworm,
- 2 insect bites, and athlete's foot;
- 3 (5) Cold sores;
- 4 (6) Allergic rhinitis; and
- 5 (7) Motion sickness.

6 (c) A pharmacist shall only treat conditions
 7 for which the pharmacist has tested and that are approved under this
 8 subdivision (17)(A)(x)(c).

9 (d)(1) The Arkansas State Board of Pharmacy,
 10 with consultation with the Arkansas State Medical Board, shall adopt by rule
 11 a formulary of medicinal drugs that a pharmacist may prescribe for treatment
 12 of conditions approved under this subdivision (17)(A)(x)(d) and an
 13 accompanying treatment protocol.

14 (2) The formulary shall include
 15 medicinal drugs approved by the United States Food and Drug Administration
 16 which are indicated for treatment of these conditions, including without
 17 limitation any over-the-counter medication.

18 (3) The formulary shall not include any
 19 controlled substance in Schedule I-IV or 21 U.S.C. § 812, as existing on
 20 January 1, 2021.

21 (e) A pharmacist may write a prescription for
 22 over-the-counter medications, supplies, and devices to treat the conditions
 23 listed in subdivision (17)(A)(x)(b) of this section; and

24
 25 SECTION 3. Arkansas Code Title 17, Chapter 92, Subchapter 1, is
 26 amended to add an additional section to read as follows:

27 17-92-118. Point-of-care treatment.

28 A pharmacist who tests for conditions under § 17-92-101(17)(A)(x)
 29 shall:

- 30 (1) Hold a license to practice pharmacy in this state;
- 31 (2) Report a diagnosis or suspected existence of influenza to
 32 the Department of Health;
- 33 (3) Furnish patient records to a healthcare practitioner
 34 designated by the patient upon the request of the patient; and
- 35 (4) Maintain records of all patients receiving services under
 36 this section for two (2) years.

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SECTION 4. DO NOT CODIFY. Effective date.
This act takes effect on and after January 1, 2022.