

INSULIN ACCESS AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K. Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates mechanisms to increase Utahns' access to affordable insulin.

Highlighted Provisions:

This bill:

- ▶ creates an incentive for health benefit plans to reduce the required copayments for insulin;
- ▶ creates an incentive for the Public Employees' Benefit and Insurance Program to reduce required copayments for insulin;
- ▶ directs the Public Employees' Benefit and Insurance Program to purchase insulin at discounted prices and to create a program that allows public employees to access the discounted insulin;
- ▶ increases the number of days for which an insulin prescription can be refilled;
- ▶ increases the length of time an insulin prescription can last;
- ▶ increases the number of professions that can be licensed to prescribe insulin; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:



28 AMENDS:

- 29 [31A-22-626](#), as last amended by Laws of Utah 2015, Chapter 258
- 30 [58-17b-102](#), as last amended by Laws of Utah 2019, Chapter 343
- 31 [58-17b-501](#), as last amended by Laws of Utah 2018, Chapter 295
- 32 [58-17b-609](#), as last amended by Laws of Utah 2005, Chapter 160
- 33 [58-17b-612](#), as last amended by Laws of Utah 2019, Chapter 343
- 34 [58-17b-625](#), as last amended by Laws of Utah 2019, Chapter 343
- 35 [58-31b-102](#), as last amended by Laws of Utah 2019, Chapter 233
- 36 [58-31b-803](#), as last amended by Laws of Utah 2019, Chapter 233
- 37 [62A-4a-213](#), as last amended by Laws of Utah 2019, Chapter 257

38 ENACTS:

- 39 [26-67-101](#), Utah Code Annotated 1953
- 40 [26-67-102](#), Utah Code Annotated 1953
- 41 [26-67-103](#), Utah Code Annotated 1953
- 42 [26-67-104](#), Utah Code Annotated 1953
- 43 [26-67-105](#), Utah Code Annotated 1953
- 44 [49-20-420](#), Utah Code Annotated 1953
- 45 [49-20-421](#), Utah Code Annotated 1953
- 46 [58-17b-608.2](#), Utah Code Annotated 1953



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

49 Section 1. Section **26-67-101** is enacted to read:

50 **CHAPTER 67. INSULIN ACCESS ACT**

51 **26-67-101. Title.**

52 This chapter is known as the "Insulin Access Act."

53 Section 2. Section **26-67-102** is enacted to read:

54 **26-67-102. Definitions.**

55 As used in this chapter:

56 (1) "Division" means the Division of Occupational and Professional Licensing created
57 in Section [58-1-103](#).

58 (2) "Insulin" means the same as that term is defined in Section [49-20-421](#).

- 59 (3) "Local health department" means:
- 60 (a) a local health department, as defined in Section 26A-1-102; or
- 61 (b) a multicounty local health department, as defined in Section 26A-1-102.
- 62 (4) "Patient counseling" means the same as that term is defined in Section 58-17b-102.
- 63 (5) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
- 64 (6) "Pharmacy intern" means the same as that term is defined in Section 58-17b-102.
- 65 (7) "Physician" means the same as that term is defined in Section 26-2-2.
- 66 (8) "Practice of registered nursing" means the same as that term is defined in Section
- 67 58-31b-102.
- 68 (9) "Prescribe" means the same as that term is defined in Section 58-17b-102.
- 69 (10) "Registered nurse" means a person licensed under Title 58, Chapter 31b, Nurse
- 70 Practice Act, to engage in the practice of registered nursing.

71 Section 3. Section **26-67-103** is enacted to read:

72 **26-67-103. Duty or standard of care.**

73 This chapter does not create a duty or standard of care for a person to prescribe insulin.

74 Section 4. Section **26-67-104** is enacted to read:

75 **26-67-104. Authorization to prescribe insulin.**

76 (1) Notwithstanding Title 58, Chapter 17b, Pharmacy Practice Act, a person licensed

77 under Title 58, Chapter 17b, Pharmacy Practice Act, to prescribe insulin may prescribe insulin

78 to a patient:

- 79 (a) (i) if the insulin is insulin on which the patient is currently stable; or
- 80 (ii) if the insulin is insulin that, in the professional judgment of the pharmacist, is
- 81 compatible with insulin on which the patient is currently stable;
- 82 (b) without any other prescription drug order from a person licensed to prescribe
- 83 insulin; and
- 84 (c) in accordance with the guidelines in Section 26-67-105.

85 (2) Notwithstanding Title 58, Chapter 31b, Nurse Practice Act, a registered nurse

86 licensed under Title 58, Chapter 31b, Nurse Practice Act, may prescribe insulin to a patient:

- 87 (a) (i) if the insulin is insulin on which the patient is currently stable; or
- 88 (ii) if the insulin is insulin that, in the professional judgment of the registered nurse, is
- 89 compatible with insulin on which the patient is currently stable;

90 (b) without any other prescription drug order from a person licensed to prescribe
91 insulin; and

92 (c) in accordance with the guidelines in Section 26-67-105.

93 Section 5. Section **26-67-105** is enacted to read:

94 **26-67-105. Guidelines for prescribing insulin.**

95 (1) Before prescribing insulin under this chapter, a pharmacist, pharmacy intern, or
96 registered nurse:

97 (a) shall obtain a completed self-screen risk assessment, that has been approved by the
98 division in collaboration with the Board of Pharmacy, the Board of Nursing, and the Physicians
99 Licensing Board, from the patient before prescribing the insulin;

100 (b) if the results of the evaluation described in Subsection (1)(a) indicate that it is
101 unsafe to prescribe the insulin to a patient:

102 (i) may not prescribe insulin to the patient; and

103 (ii) shall refer the patient to a physician;

104 (c) may not continue to prescribe insulin to a patient for more than 12 months after the
105 date of the initial prescription without evidence that the patient has consulted with a primary
106 care physician or a specialist trained in the treatment of diabetes during the proceeding 12
107 months; and

108 (d) shall provide the patient with:

109 (i) written information regarding the importance of seeing the patient's primary care
110 physician to obtain recommended tests and screening; and

111 (ii) a copy of the record of the encounter with the patient that includes:

112 (A) the patient's completed self-assessment; and

113 (B) a description of the insulin prescribed or the basis for not prescribing insulin.

114 (2) If a pharmacist, pharmacy intern, or registered nurse prescribes insulin to a patient,
115 the pharmacist, pharmacy intern, or registered nurse shall, at a minimum, provide patient
116 counseling to the patient regarding:

117 (a) the appropriate administration and storage of the insulin;

118 (b) the need for regular checkups with a primary care physician; and

119 (c) the risks associated with not administering the insulin correctly.

120 (3) The division, in collaboration with the Board of Pharmacy, the Board of Nursing,

121 and the Physicians Licensing Board, shall make rules in accordance with Title 63G, Chapter 3,
122 Utah Administrative Rulemaking Act, establishing the self-screening risk assessment described
123 in Subsection (1)(a).

124 Section 6. Section **31A-22-626** is amended to read:

125 **31A-22-626. Coverage of diabetes.**

126 (1) As used in this section, ["diabetes"]:

127 (a) "Diabetes" includes individuals with:

128 [~~(a)~~] (i) complete insulin deficiency or type 1 diabetes;

129 [~~(b)~~] (ii) insulin resistant with partial insulin deficiency or type 2 diabetes; [~~and~~] or

130 [~~(c)~~] (iii) elevated blood glucose levels induced by pregnancy or gestational diabetes.

131 (b) "Lowest tier" means the lowest copayment tier of a health benefit plan or the
132 preventive drug tier of a high deductible health plan.

133 (2) The commissioner shall establish, by rule, minimum standards of coverage for
134 diabetes for accident and health insurance policies that provide a health insurance benefit
135 before July 1, 2000.

136 (3) In making rules under Subsection (2), the commissioner shall require rules:

137 (a) with durational limits, amount limits, deductibles, and coinsurance for the treatment
138 of diabetes equitable or identical to coverage provided for the treatment of other illnesses or
139 diseases; and

140 (b) that provide coverage for:

141 (i) diabetes self-management training and patient management, including medical
142 nutrition therapy as defined by rule, provided by an accredited or certified program and referred
143 by an attending physician within the plan and consistent with the health plan provisions for
144 self-management education:

145 (A) recognized by the federal Centers for Medicare and Medicaid Services; or

146 (B) certified by the Department of Health; and

147 (ii) the following equipment, supplies, and appliances to treat diabetes when medically
148 necessary:

149 (A) blood glucose monitors, including those for the legally blind;

150 (B) test strips for blood glucose monitors;

151 (C) visual reading urine and ketone strips;

- 152 (D) lancets and lancet devices;
- 153 (E) insulin;
- 154 (F) injection aides, including those adaptable to meet the needs of the legally blind, and
- 155 infusion delivery systems;
- 156 (G) syringes;
- 157 (H) prescriptive oral agents for controlling blood glucose levels; and
- 158 (I) glucagon kits.

159 (4) Beginning January 1, 2021, a health benefit plan that provides coverage for insulin
160 shall:

161 (a) cap the total amount that an insured is required to pay for insulin at an amount not
162 to exceed \$30 per 30-day supply of insulin, regardless of the amount or type of insulin needed
163 to fill the insured's prescription; and

164 (b) apply the cap to an insured regardless of whether the insured has met the plan's
165 deductible.

166 (5) Subsection (4) does not apply to a health plan that:

167 (a) covers insulin under the lowest tier of drugs; and

168 (b) does not require an insured to meet a deductible before the plan will cover insulin
169 at the lowest tier.

170 (6) A health benefit plan shall reimburse an insured for insulin purchased under
171 Section [49-20-421](#).

172 Section 7. Section **49-20-420** is enacted to read:

173 **49-20-420. Coverage of insulin.**

174 (1) As used in this section, "lowest tier" means the lowest copayment tier of a health
175 benefit plan or the preventive drug tier of a high deductible health plan.

176 (2) Beginning January 1, 2021, the program shall:

177 (a) cap the total amount that an insured is required to pay for insulin at an amount not
178 to exceed \$30 per 30-day supply of insulin, regardless of the amount or type of insulin needed
179 to fill the insured's prescription; and

180 (b) apply the cap to an insured regardless of whether the insured has met the plan's
181 deductible.

182 Section 8. Section **49-20-421** is enacted to read:

183 **49-20-421. Purchasing of insulin.**184 (1) As used in this section:185 (a) "Diabetes" means:186 (i) complete insulin deficiency or type 1 diabetes;187 (ii) insulin resistant with partial insulin deficiency or type 2 diabetes; or188 (iii) elevated blood glucose levels induced by pregnancy or gestational diabetes.189 (b) "Discount program" means a process developed by the program that allows190 participants to purchase insulin at a discounted rate.191 (c) "Individual with diabetes" means an individual who has been diagnosed with
192 diabetes and who uses insulin to treat diabetes.193 (d) "Insulin" means a prescription drug that contains insulin.194 (e) "Participant" means a public employee who:195 (i) uses insulin to treat diabetes;196 (ii) does not receive health coverage under the program; and197 (iii) has decided to participate in the discount program.198 (f) "Public employee" means the same as that term is defined in Section [34-32-1.1](#).199 (g) "Prescription drug" means the same as that term is defined in Section [58-17b-102](#).200 (2) In accordance with Title 63G, Chapter 6A, Utah Procurement Code, the program201 shall contract with insulin manufacturers to purchase insulin at a discounted price.202 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the203 program shall make rules to develop a discount program to make the purchased insulin204 available to participants at a discounted price.205 (4) The discount program described in Subsection (3) shall:206 (a) provide a participant with a card or electronic document that identifies the207 participant as eligible for the discount;208 (b) provide a participant with information about pharmacies that will honor the209 discount;210 (c) allow a participant to purchase insulin at the fully discounted, post-rebate price211 described in Subsection (2); and212 (d) provide a participant with instructions to pursue a refund of the purchase price from213 the participant's health insurer.

214 Section 9. Section **58-17b-102** is amended to read:

215 **58-17b-102. Definitions.**

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

217 (1) "Administering" means:

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

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

225 (2) "Adulterated drug or device" means a drug or device considered adulterated under
226 21 U.S.C. Sec. 351 (2003).

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

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

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

237 (5) "Automated pharmacy systems" includes mechanical systems which perform
238 operations or activities, other than compounding or administration, relative to the storage,
239 packaging, dispensing, or distribution of medications, and which collect, control, and maintain
240 all transaction information.

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

244 (7) "Board of pharmacy" or "board" means the Utah State Board of Pharmacy created

245 in Section 58-17b-201.

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

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

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

257 (11) "Class B pharmacy":

258 (a) means a pharmacy located in Utah:

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

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

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

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

265 (12) "Class C pharmacy" means a pharmacy that engages in the manufacture,
266 production, wholesale, or distribution of drugs or devices in Utah.

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

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

269 (15) (a) "Closed-door pharmacy" means a pharmacy that:

270 (i) provides pharmaceutical care to a defined and exclusive group of patients who have
271 access to the services of the pharmacy because they are treated by or have an affiliation with a
272 specific entity, including a health maintenance organization or an infusion company; or

273 (ii) engages exclusively in the practice of telepharmacy and does not serve walk-in
274 retail customers.

275 (b) "Closed-door pharmacy" does not include a hospital pharmacy, a retailer of goods

276 to the general public, or the office of a practitioner.

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

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

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

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

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

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

294 (b) "Compounding" does not include:

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

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

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

302 (19) "Confidential information" has the same meaning as "protected health
303 information" under the Standards for Privacy of Individually Identifiable Health Information,
304 45 C.F.R. Parts 160 and 164.

305 (20) "Controlled substance" means the same as that term is defined in Section [58-37-2](#).

306 (21) "Dietary supplement" has the same meaning as Public Law Title 103, Chapter

307 417, Sec. 3a(ff) which is incorporated by reference.

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

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

313 (a) currently licensed as:

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

315 (ii) an osteopathic physician and surgeon under Chapter 68, Utah Osteopathic Medical
316 Practice Act;

317 (iii) a physician assistant under Chapter 70a, Utah Physician Assistant Act;

318 (iv) a nurse practitioner under Chapter 31b, Nurse Practice Act; or

319 (v) an optometrist under Chapter 16a, Utah Optometry Practice Act, if the optometrist
320 is acting within the scope of practice for an optometrist; and

321 (b) licensed by the division under the Pharmacy Practice Act to engage in the practice
322 of a dispensing medical practitioner.

323 (24) "Dispensing medical practitioner clinic pharmacy" means a closed-door pharmacy
324 located within a licensed dispensing medical practitioner's place of practice.

325 (25) "Distribute" means to deliver a drug or device other than by administering or
326 dispensing.

327 (26) (a) "Drug" means:

328 (i) a substance recognized in the official United States Pharmacopoeia, official
329 Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any
330 supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment, or
331 prevention of disease in humans or animals;

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

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

336 (iv) substances intended for use as a component of any substance specified in
337 Subsections (26)(a)(i), (ii), (iii), and (iv).

- 338 (b) "Drug" does not include dietary supplements.
- 339 (27) "Drug regimen review" includes the following activities:
- 340 (a) evaluation of the prescription drug order and patient record for:
- 341 (i) known allergies;
- 342 (ii) rational therapy-contraindications;
- 343 (iii) reasonable dose and route of administration; and
- 344 (iv) reasonable directions for use;
- 345 (b) evaluation of the prescription drug order and patient record for duplication of
- 346 therapy;
- 347 (c) evaluation of the prescription drug order and patient record for the following
- 348 interactions:
- 349 (i) drug-drug;
- 350 (ii) drug-food;
- 351 (iii) drug-disease; and
- 352 (iv) adverse drug reactions; and
- 353 (d) evaluation of the prescription drug order and patient record for proper utilization,
- 354 including over- or under-utilization, and optimum therapeutic outcomes.
- 355 (28) "Drug sample" means a prescription drug packaged in small quantities consistent
- 356 with limited dosage therapy of the particular drug, which is marked "sample", is not intended to
- 357 be sold, and is intended to be provided to practitioners for the immediate needs of patients for
- 358 trial purposes or to provide the drug to the patient until a prescription can be filled by the
- 359 patient.
- 360 (29) "Electronic signature" means a trusted, verifiable, and secure electronic sound,
- 361 symbol, or process attached to or logically associated with a record and executed or adopted by
- 362 a person with the intent to sign the record.
- 363 (30) "Electronic transmission" means transmission of information in electronic form or
- 364 the transmission of the exact visual image of a document by way of electronic equipment.
- 365 (31) "Hospital pharmacy" means a pharmacy providing pharmaceutical care to
- 366 inpatients of a general acute hospital or specialty hospital licensed by the Department of Health
- 367 under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
- 368 (32) "Insulin" means the same as that term is defined in [Section 26-47-101](#).

369 ~~[(32)]~~ (33) "Legend drug" has the same meaning as prescription drug.

370 ~~[(33)]~~ (34) "Licensed pharmacy technician" means an individual licensed with the
371 division, that may, under the supervision of a pharmacist, perform the activities involved in the
372 technician practice of pharmacy.

373 ~~[(34)]~~ (35) "Manufacturer" means a person or business physically located in Utah
374 licensed to be engaged in the manufacturing of drugs or devices.

375 ~~[(35)]~~ (36) (a) "Manufacturing" means:

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

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

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

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

388 ~~[(36)]~~ (37) "Medical order" means a lawful order of a practitioner which may include a
389 prescription drug order.

390 ~~[(37)]~~ (38) "Medication profile" or "profile" means a record system maintained as to
391 drugs or devices prescribed for a pharmacy patient to enable a pharmacist or pharmacy intern to
392 analyze the profile to provide pharmaceutical care.

393 ~~[(38)]~~ (39) "Misbranded drug or device" means a drug or device considered
394 misbranded under 21 U.S.C. Sec. 352 (2003).

395 ~~[(39)]~~ (40) (a) "Nonprescription drug" means a drug which:

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

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

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

399 ~~[(40)]~~ (41) "Nonresident pharmacy" means a pharmacy located outside of Utah that

400 sells to a person in Utah.

401 ~~[(41)]~~ (42) "Nuclear pharmacy" means a pharmacy providing radio-pharmaceutical
402 service.

403 ~~[(42)]~~ (43) "Out-of-state mail service pharmacy" means a pharmaceutical facility
404 located outside the state that is licensed and in good standing in another state, that:

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

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

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

412 ~~[(43)]~~ (44) "Patient counseling" means the written and oral communication by the
413 pharmacist or pharmacy intern of information, to the patient or caregiver, in order to ensure
414 proper use of drugs, devices, and dietary supplements.

415 ~~[(44)]~~ (45) "Pharmaceutical administration facility" means a facility, agency, or
416 institution in which:

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

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

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

425 ~~[(45)]~~ (46) (a) "Pharmaceutical care" means carrying out the following in collaboration
426 with a prescribing practitioner, and in accordance with division rule:

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

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

431 (iii) arresting or slowing a disease process.

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

434 [~~46~~] (47) "Pharmaceutical facility" means a business engaged in the dispensing,
435 delivering, distributing, manufacturing, or wholesaling of prescription drugs or devices within
436 or into this state.

437 [~~47~~] (48) (a) "Pharmaceutical wholesaler or distributor" means a pharmaceutical
438 facility engaged in the business of wholesale vending or selling of a prescription drug or device
439 to other than a consumer or user of the prescription drug or device that the pharmaceutical
440 facility has not produced, manufactured, compounded, or dispensed.

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

443 (i) intracompany sales;

444 (ii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell,
445 purchase, or trade a prescription drug or device, if the activity is carried out between one or
446 more of the following entities under common ownership or common administrative control, as
447 defined by division rule:

448 (A) hospitals;

449 (B) pharmacies;

450 (C) chain pharmacy warehouses, as defined by division rule; or

451 (D) other health care entities, as defined by division rule;

452 (iii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell,
453 purchase, or trade a prescription drug or device, for emergency medical reasons, including
454 supplying another pharmaceutical facility with a limited quantity of a drug, if:

455 (A) the facility is unable to obtain the drug through a normal distribution channel in
456 sufficient time to eliminate the risk of harm to a patient that would result from a delay in
457 obtaining the drug; and

458 (B) the quantity of the drug does not exceed an amount reasonably required for
459 immediate dispensing to eliminate the risk of harm;

460 (iv) the distribution of a prescription drug or device as a sample by representatives of a
461 manufacturer; and

462 (v) the distribution of prescription drugs, if:

463 (A) the facility's total distribution-related sales of prescription drugs does not exceed
464 5% of the facility's total prescription drug sales; and

465 (B) the distribution otherwise complies with 21 C.F.R. Sec. 1307.11.

466 [~~(48)~~] (49) "Pharmacist" means an individual licensed by this state to engage in the
467 practice of pharmacy.

468 [~~(49)~~] (50) "Pharmacist-in-charge" means a pharmacist currently licensed in good
469 standing who accepts responsibility for the operation of a pharmacy in conformance with all
470 laws and rules pertinent to the practice of pharmacy and the distribution of drugs, and who is
471 personally in full and actual charge of the pharmacy and all personnel.

472 [~~(50)~~] (51) "Pharmacist preceptor" means a licensed pharmacist in good standing with
473 one or more years of licensed experience. The preceptor serves as a teacher, example of
474 professional conduct, and supervisor of interns in the professional practice of pharmacy.

475 [~~(51)~~] (52) "Pharmacy" means any place where:

476 (a) drugs are dispensed;

477 (b) pharmaceutical care is provided;

478 (c) drugs are processed or handled for eventual use by a patient; or

479 (d) drugs are used for the purpose of analysis or research.

480 [~~(52)~~] (53) "Pharmacy benefits manager or coordinator" means a person or entity that
481 provides a pharmacy benefits management service as defined in Section [49-20-502](#) on behalf of
482 a self-insured employer, insurance company, health maintenance organization, or other plan
483 sponsor, as defined by rule.

484 [~~(53)~~] (54) "Pharmacy intern" means an individual licensed by this state to engage in
485 practice as a pharmacy intern.

486 [~~(54)~~] (55) "Pharmacy technician training program" means an approved technician
487 training program providing education for pharmacy technicians.

488 [~~(55)~~] (56) (a) "Practice as a dispensing medical practitioner" means the practice of
489 pharmacy, specifically relating to the dispensing of a prescription drug in accordance with Part
490 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, and
491 division rule adopted after consultation with the Board of pharmacy and the governing boards
492 of the practitioners described in Subsection (23)(a).

493 (b) "Practice as a dispensing medical practitioner" does not include:

494 (i) using a vending type of dispenser as defined by the division by administrative rule;

495 or

496 (ii) except as permitted by Section [58-17b-805](#), dispensing of a controlled substance as
497 defined in Section [58-37-2](#).

498 [~~56~~] (57) "Practice as a licensed pharmacy technician" means engaging in practice as
499 a pharmacy technician under the general supervision of a licensed pharmacist and in
500 accordance with a scope of practice defined by division rule made in collaboration with the
501 board.

502 [~~57~~] (58) "Practice of pharmacy" includes the following:

503 (a) providing pharmaceutical care;

504 (b) collaborative pharmacy practice in accordance with a collaborative pharmacy
505 practice agreement;

506 (c) compounding, packaging, labeling, dispensing, administering, and the coincident
507 distribution of prescription drugs or devices, provided that the administration of a prescription
508 drug or device is:

509 (i) pursuant to a lawful order of a practitioner when one is required by law; and

510 (ii) in accordance with written guidelines or protocols:

511 (A) established by the licensed facility in which the prescription drug or device is to be
512 administered on an inpatient basis; or

513 (B) approved by the division, in collaboration with the board and the Physicians
514 Licensing Board, created in Section [58-67-201](#), if the prescription drug or device is to be
515 administered on an outpatient basis solely by a licensed pharmacist;

516 (d) participating in drug utilization review;

517 (e) ensuring proper and safe storage of drugs and devices;

518 (f) maintaining records of drugs and devices in accordance with state and federal law
519 and the standards and ethics of the profession;

520 (g) providing information on drugs or devices, which may include advice relating to
521 therapeutic values, potential hazards, and uses;

522 (h) providing drug product equivalents;

523 (i) supervising pharmacist's supportive personnel, pharmacy interns, and pharmacy

524 technicians;

525 (j) providing patient counseling, including adverse and therapeutic effects of drugs;

526 (k) providing emergency refills as defined by rule;

527 (l) telepharmacy;

528 (m) formulary management intervention; [~~and~~]

529 (n) prescribing and dispensing a self-administered hormonal contraceptive in

530 accordance with Title 26, Chapter 64, Family Planning Access Act[~~;~~]; and

531 (o) prescribing and dispensing insulin in accordance with Title 26, Chapter 67, Insulin

532 Access Act.

533 [~~(58)~~] (59) "Practice of telepharmacy" means the practice of pharmacy through the use

534 of telecommunications and information technologies.

535 [~~(59)~~] (60) "Practice of telepharmacy across state lines" means the practice of

536 pharmacy through the use of telecommunications and information technologies that occurs

537 when the patient is physically located within one jurisdiction and the pharmacist is located in

538 another jurisdiction.

539 [~~(60)~~] (61) "Practitioner" means an individual currently licensed, registered, or

540 otherwise authorized by the appropriate jurisdiction to prescribe and administer drugs in the

541 course of professional practice.

542 [~~(61)~~] (62) "Prescribe" means to issue a prescription:

543 (a) orally or in writing; or

544 (b) by telephone, facsimile transmission, computer, or other electronic means of

545 communication as defined by division rule.

546 [~~(62)~~] (63) "Prescription" means an order issued:

547 (a) by a licensed practitioner in the course of that practitioner's professional practice or

548 by collaborative pharmacy practice agreement; and

549 (b) for a controlled substance or other prescription drug or device for use by a patient

550 or an animal.

551 [~~(63)~~] (64) "Prescription device" means an instrument, apparatus, implement, machine,

552 contrivance, implant, in vitro reagent, or other similar or related article, and any component

553 part or accessory, which is required under federal or state law to be prescribed by a practitioner

554 and dispensed by or through a person or entity licensed under this chapter or exempt from

555 licensure under this chapter.

556 ~~[(64)]~~ (65) "Prescription drug" means a drug that is required by federal or state law or
557 rule to be dispensed only by prescription or is restricted to administration only by practitioners.

558 ~~[(65)]~~ (66) "Repackage":

559 (a) means changing the container, wrapper, or labeling to further the distribution of a
560 prescription drug; and

561 (b) does not include:

562 (i) Subsection ~~[(65)]~~ (66)(a) when completed by the pharmacist responsible for
563 dispensing the product to a patient; or

564 (ii) changing or altering a label as necessary for a dispensing practitioner under Part 8,
565 Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, for
566 dispensing a product to a patient.

567 ~~[(66)]~~ (67) "Research using pharmaceuticals" means research:

568 (a) conducted in a research facility, as defined by division rule, that is associated with a
569 university or college in the state accredited by the Northwest Commission on Colleges and
570 Universities;

571 (b) requiring the use of a controlled substance, prescription drug, or prescription
572 device;

573 (c) that uses the controlled substance, prescription drug, or prescription device in
574 accordance with standard research protocols and techniques, including, if required, those
575 approved by an institutional review committee; and

576 (d) that includes any documentation required for the conduct of the research and the
577 handling of the controlled substance, prescription drug, or prescription device.

578 ~~[(67)]~~ (68) "Retail pharmacy" means a pharmaceutical facility dispensing prescription
579 drugs and devices to the general public.

580 ~~[(68)]~~ (69) (a) "Self-administered hormonal contraceptive" means a self-administered
581 hormonal contraceptive that is approved by the United States Food and Drug Administration to
582 prevent pregnancy.

583 (b) "Self-administered hormonal contraceptive" includes an oral hormonal
584 contraceptive, a hormonal vaginal ring, and a hormonal contraceptive patch.

585 (c) "Self-administered hormonal contraceptive" does not include any drug intended to

586 induce an abortion, as that term is defined in Section 76-7-301.

587 ~~[(69)]~~ (70) "Self-audit" means an internal evaluation of a pharmacy to determine
588 compliance with this chapter.

589 ~~[(70)]~~ (71) "Supervising pharmacist" means a pharmacist who is overseeing the
590 operation of the pharmacy during a given day or shift.

591 ~~[(71)]~~ (72) "Supportive personnel" means unlicensed individuals who:

592 (a) may assist a pharmacist, pharmacist preceptor, pharmacy intern, or licensed
593 pharmacy technician in nonjudgmental duties not included in the definition of the practice of
594 pharmacy, practice of a pharmacy intern, or practice of a licensed pharmacy technician, and as
595 those duties may be further defined by division rule adopted in collaboration with the board;
596 and

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

599 ~~[(72)]~~ (73) "Unlawful conduct" means the same as that term is defined in Sections
600 58-1-501 and 58-17b-501.

601 ~~[(73)]~~ (74) "Unprofessional conduct" means the same as that term is defined in
602 Sections 58-1-501 and 58-17b-502 and may be further defined by rule.

603 ~~[(74)]~~ (75) "Veterinary pharmaceutical facility" means a pharmaceutical facility that
604 dispenses drugs intended for use by animals or for sale to veterinarians for the administration
605 for animals.

606 Section 10. Section 58-17b-501 is amended to read:

607 **58-17b-501. Unlawful conduct.**

608 "Unlawful conduct" includes:

609 (1) knowingly preventing or refusing to permit an authorized agent of the division to
610 conduct an inspection pursuant to Section 58-17b-103;

611 (2) failing to deliver the license, permit, or certificate to the division upon demand, if it
612 has been revoked, suspended, or refused;

613 (3) (a) using the title "pharmacist," "druggist," "pharmacy intern," "pharmacy
614 technician," or a term having similar meaning, except by a person licensed as a pharmacist,
615 pharmacy intern, or pharmacy technician; or

616 (b) conducting or transacting business under a name that contains, as part of that name,

617 the words "drugstore," "pharmacy," "drugs," "medicine store," "medicines," "drug shop,"
618 "apothecary," "prescriptions," or a term having a similar meaning, or in any manner
619 advertising, otherwise describing, or referring to the place of the conducted business or
620 profession, unless the place is a pharmacy issued a license by the division, except an
621 establishment selling nonprescription drugs and supplies may display signs bearing the words
622 "packaged drugs," "drug sundries," or "nonprescription drugs," and is not considered to be a
623 pharmacy or drugstore by reason of the display;

624 (4) buying, selling, causing to be sold, or offering for sale, a drug or device that bears,
625 or the package bears or originally did bear, the inscription "sample," "not for resale," "for
626 investigational or experimental use only," or other similar words, except when a cost is
627 incurred in the bona fide acquisition of an investigational or experimental drug;

628 (5) using to a person's own advantages or revealing to anyone other than the division,
629 board, and its authorized representatives, or to the courts, when relevant to a judicial or
630 administrative proceeding under this chapter, information acquired under authority of this
631 chapter or concerning a method of process that is a trade secret;

632 (6) procuring or attempting to procure a drug or to have someone else procure or
633 attempt to procure a drug:

- 634 (a) by fraud, deceit, misrepresentation, or subterfuge;
635 (b) by forgery or alteration of a prescription or a written order;
636 (c) by concealment of a material fact;
637 (d) by use of a false statement in a prescription, chart, order, or report; or
638 (e) by theft;

639 (7) filling, refilling, or advertising the filling or refilling of prescriptions for a
640 consumer or patient residing in this state if the person is not licensed:

- 641 (a) under this chapter; or
642 (b) in the state from which he is dispensing;

643 (8) requiring an employed pharmacist, pharmacy intern, pharmacy technician, or
644 authorized supportive personnel to engage in conduct in violation of this chapter;

645 (9) being in possession of a prescription drug for an unlawful purpose;

646 (10) dispensing a prescription drug to a person who does not have a prescription from a
647 practitioner, except as permitted under:

- 648 (a) Title 26, Chapter 55, Opiate Overdose Response Act; ~~[or]~~
649 (b) Title 26, Chapter 64, Family Planning Access Act; or
650 (c) Title 26, Chapter 67, Insulin Access Act;
651 (11) dispensing a prescription drug to a person who the person dispensing the drug
652 knows or should know is attempting to obtain drugs by fraud or misrepresentation;
653 (12) selling, dispensing, distributing, or otherwise trafficking in prescription drugs
654 when not licensed to do so or when not exempted from licensure; and
655 (13) a person using a prescription drug or controlled substance that was not lawfully
656 prescribed for the person by a practitioner.

657 Section 11. Section **58-17b-608.2** is enacted to read:

658 **58-17b-608.2. Insulin prescriptions.**

659 (1) If a prescription for insulin includes authorization for one or more refills, a
660 pharmacist or a pharmacy intern may dispense one or more of the refills in an amount up to a
661 supply for 90 days based on the prescriber's instructions if:

- 662 (a) the patient has previously had the prescription; and
663 (b) filling the prescription is consistent with the training and experience of the
664 pharmacist or pharmacy intern.

665 (2) If a prescription for insulin includes authorization for one or more refills, a
666 pharamcist or a pharmacy intern may dispense one or more of the refills in an amount to
667 exceed 90 days if:

- 668 (a) the patient has previously had the prescription;
669 (b) filling the prescription is consistent with the training and experieince of the
670 pharmacist or pharmacy intern; and
671 (c) circumstances justify filling the prescription for longer.

672 (3) A practitioner is authorized to issue a prescription for insulin that is refillable for up
673 to three years.

674 Section 12. Section **58-17b-609** is amended to read:

675 **58-17b-609. Limitation on prescriptions and refills -- Controlled Substances Act**
676 **not affected -- Legend drugs.**

677 (1) Except as provided in [~~Section~~] Sections [58-16a-102](#) and [58-17b-608.2](#), a
678 prescription for any prescription drug or device may not be dispensed after one year from the

679 date it was initiated except as otherwise provided in Chapter 37, Utah Controlled Substances
680 Act.

681 (2) A prescription authorized to be refilled may not be refilled after one year from the
682 original issue date.

683 (3) A practitioner may not be prohibited from issuing a new prescription for the same
684 drug orally, in writing, or by electronic transmission.

685 (4) Nothing in this chapter affects Chapter 37, Utah Controlled Substances Act.

686 (5) A prescription for a legend drug written by a licensed prescribing practitioner in
687 another state may be filled or refilled by a pharmacist or pharmacy intern in this state if the
688 pharmacist or pharmacy intern verifies that the prescription is valid.

689 Section 13. Section **58-17b-612** is amended to read:

690 **58-17b-612. Supervision -- Pharmacist-in-charge.**

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

695 (b) Notwithstanding Subsection **58-17b-102**~~(70)~~(71), a supervising pharmacist does
696 not have to be in the pharmacy or care facility but shall be available via a telepharmacy system
697 for immediate contact with the supervised pharmacy technician or pharmacy intern if:

698 (i) the pharmacy is located in an area of need as defined by the division, in consultation
699 with the board, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
700 Rulemaking Act;

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

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

704 (iv) the arrangement is approved by the division in collaboration with the board.

705 (c) Subsection (1)(b) applies to a pharmacy that is located in a hospital only if the
706 hospital is controlled by a local board that owns no more than two hospitals; and

707 (d) A supervising pharmacist may not supervise more than two pharmacies
708 simultaneously under Subsection (1)(b).

709 (2) Each out-of-state mail service pharmacy shall designate and identify to the division

710 a pharmacist holding a current license in good standing issued by the state in which the
711 pharmacy is located and who serves as the pharmacist-in-charge for all purposes under this
712 chapter.

713 Section 14. Section **58-17b-625** is amended to read:

714 **58-17b-625. Administration of a long-acting injectable drug therapy.**

715 (1) A pharmacist may, in accordance with this section, administer a drug described in
716 Subsection (2).

717 (2) Notwithstanding the provisions of Subsection ~~58-17b-102~~(57)(58)(c)(ii)(B), the
718 division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
719 Rulemaking Act, establishing training for a pharmacist to administer the following long-acting
720 injectables intramuscularly:

- 721 (a) aripiprazole;
- 722 (b) aripiprazole lauroxil;
- 723 (c) paliperidone;
- 724 (d) risperidone;
- 725 (e) olanzapine;
- 726 (f) naltrexone;
- 727 (g) naloxone; and
- 728 (h) drugs approved and regulated by the United States Food and Drug Administration
729 for the treatment of the Human Immunodeficiency Virus.

730 (3) A pharmacist may not administer a drug listed under Subsection (2) unless the
731 pharmacist:

- 732 (a) completes the training described in Subsection (2);
- 733 (b) administers the drug at a clinic or community pharmacy, as those terms are defined
734 by the division, by administrative rule made in accordance with Title 63G, Chapter 3, Utah
735 Administrative Rulemaking Act; and
- 736 (c) is directed by the physician, as that term is defined in Section ~~58-67-102~~ or Section
737 ~~58-68-102~~, who issues the prescription to administer the drug.

738 Section 15. Section **58-31b-102** is amended to read:

739 **58-31b-102. Definitions.**

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

741 (1) "Administrative penalty" means a monetary fine or citation imposed by the division
742 for acts or omissions determined to constitute unprofessional or unlawful conduct in
743 accordance with a fine schedule established by rule and as a result of an adjudicative
744 proceeding conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

745 (2) "Applicant" means a person who applies for licensure or certification under this
746 chapter by submitting a completed application for licensure or certification and the required
747 fees to the department.

748 (3) "Approved education program" means a nursing education program that is
749 accredited by an accrediting body for nursing education that is approved by the United States
750 Department of Education.

751 (4) "Board" means the Board of Nursing created in Section [58-31b-201](#).

752 (5) "Consultation and referral plan" means a written plan jointly developed by an
753 advanced practice registered nurse and, except as provided in Subsection [58-31b-803\(4\)](#), a
754 consulting physician that permits the advanced practice registered nurse to prescribe Schedule
755 II controlled substances in consultation with the consulting physician.

756 (6) "Consulting physician" means a physician and surgeon or osteopathic physician and
757 surgeon licensed in accordance with this title who has agreed to consult with an advanced
758 practice registered nurse with a controlled substance license, a DEA registration number, and
759 who will be prescribing Schedule II controlled substances.

760 (7) "Diagnosis" means the identification of and discrimination between physical and
761 psychosocial signs and symptoms essential to the effective execution and management of
762 health care.

763 (8) "Examinee" means a person who applies to take or does take any examination
764 required under this chapter for licensure.

765 (9) "Insulin" means the same as that term is defined in Section [26-47-101](#).

766 ~~[(9)]~~ (10) "Licensee" means a person who is licensed or certified under this chapter.

767 ~~[(10)]~~ (11) "Long-term care facility" means any of the following facilities licensed by
768 the Department of Health pursuant to Title 26, Chapter 21, Health Care Facility Licensing and
769 Inspection Act:

770 (a) a nursing care facility;

771 (b) a small health care facility;

772 (c) an intermediate care facility for people with an intellectual disability;
773 (d) an assisted living facility Type I or II; or
774 (e) a designated swing bed unit in a general hospital.

775 ~~[(11)]~~ (12) "Medication aide certified" means a certified nurse aide who:
776 (a) has a minimum of 2,000 hours experience working as a certified nurse aide;
777 (b) has received a minimum of 60 hours of classroom and 40 hours of practical training
778 that is approved by the division in collaboration with the board, in administering routine
779 medications to patients or residents of long-term care facilities; and
780 (c) is certified by the division as a medication aide certified.

781 ~~[(12)]~~ (13) "Pain clinic" means the same as that term is defined in Section 58-1-102.
782 ~~[(13)]~~ (14) (a) "Practice as a medication aide certified" means the limited practice of
783 nursing under the supervision, as defined by the division by administrative rule, of a licensed
784 nurse, involving routine patient care that requires minimal or limited specialized or general
785 knowledge, judgment, and skill, to an individual who:
786 (i) is ill, injured, infirm, has a physical, mental, developmental, or intellectual
787 disability; and
788 (ii) is in a regulated long-term care facility.

789 (b) "Practice as a medication aide certified":
790 (i) includes:
791 (A) providing direct personal assistance or care; and
792 (B) administering routine medications to patients in accordance with a formulary and
793 protocols to be defined by the division by rule; and
794 (ii) does not include assisting a resident of an assisted living facility, a long term care
795 facility, or an intermediate care facility for people with an intellectual disability to self
796 administer a medication, as regulated by the Department of Health by administrative rule.

797 ~~[(14)]~~ (15) "Practice of advanced practice registered nursing" means the practice of
798 nursing within the generally recognized scope and standards of advanced practice registered
799 nursing as defined by rule and consistent with professionally recognized preparation and
800 education standards of an advanced practice registered nurse by a person licensed under this
801 chapter as an advanced practice registered nurse. Advanced practice registered nursing
802 includes:

- 803 (a) maintenance and promotion of health and prevention of disease;
- 804 (b) diagnosis, treatment, correction, consultation, and referral for common health
805 problems;
- 806 (c) prescription or administration of prescription drugs or devices including:
- 807 (i) local anesthesia;
- 808 (ii) Schedule III-V controlled substances; and
- 809 (iii) Subject to Section 58-31b-803, Schedule II controlled substances; or
- 810 (d) the provision of preoperative, intraoperative, and postoperative anesthesia care and
811 related services upon the request of a licensed health care professional by an advanced practice
812 registered nurse specializing as a certified registered nurse anesthetist, including:
- 813 (i) preanesthesia preparation and evaluation including:
- 814 (A) performing a preanesthetic assessment of the patient;
- 815 (B) ordering and evaluating appropriate lab and other studies to determine the health of
816 the patient; and
- 817 (C) selecting, ordering, or administering appropriate medications;
- 818 (ii) anesthesia induction, maintenance, and emergence, including:
- 819 (A) selecting and initiating the planned anesthetic technique;
- 820 (B) selecting and administering anesthetics and adjunct drugs and fluids; and
- 821 (C) administering general, regional, and local anesthesia;
- 822 (iii) postanesthesia follow-up care, including:
- 823 (A) evaluating the patient's response to anesthesia and implementing corrective
824 actions; and
- 825 (B) selecting, ordering, or administering the medications and studies listed in
826 Subsection ~~(14)~~ (15)(d); ~~and~~
- 827 (iv) other related services within the scope of practice of a certified registered nurse
828 anesthetist, including:
- 829 (A) emergency airway management;
- 830 (B) advanced cardiac life support; and
- 831 (C) the establishment of peripheral, central, and arterial invasive lines; and
- 832 (v) for purposes of Subsection ~~(14)~~ (15)(d), "upon the request of a licensed health
833 care professional":

834 (A) means a health care professional practicing within the scope of the health care
835 professional's license, requests anesthesia services for a specific patient; and

836 (B) does not require an advanced practice registered nurse specializing as a certified
837 registered nurse anesthetist to enter into a consultation and referral plan or obtain additional
838 authority to select, administer, or provide preoperative, intraoperative, or postoperative
839 anesthesia care and services.

840 ~~[(15)]~~ (16) "Practice of nursing" means assisting individuals or groups to maintain or
841 attain optimal health, implementing a strategy of care to accomplish defined goals and
842 evaluating responses to care and treatment. The practice of nursing requires substantial
843 specialized or general knowledge, judgment, and skill based upon principles of the biological,
844 physical, behavioral, and social sciences, and includes:

- 845 (a) initiating and maintaining comfort measures;
- 846 (b) promoting and supporting human functions and responses;
- 847 (c) establishing an environment conducive to well-being;
- 848 (d) providing health counseling and teaching;
- 849 (e) collaborating with health care professionals on aspects of the health care regimen;
- 850 (f) performing delegated procedures only within the education, knowledge, judgment,
851 and skill of the licensee; and
- 852 (g) delegating nurse interventions that may be performed by others and are not in
853 conflict with this chapter.

854 ~~[(16)]~~ (17) "Practice of practical nursing" means the performance of nursing acts in the
855 generally recognized scope of practice of licensed practical nurses as defined by rule and as
856 provided in this Subsection ~~[(16)]~~ (17) by a person licensed under this chapter as a licensed
857 practical nurse and under the direction of a registered nurse, licensed physician, or other
858 specified health care professional as defined by rule. Practical nursing acts include:

- 859 (a) contributing to the assessment of the health status of individuals and groups;
- 860 (b) participating in the development and modification of the strategy of care;
- 861 (c) implementing appropriate aspects of the strategy of care;
- 862 (d) maintaining safe and effective nursing care rendered to a patient directly or
863 indirectly; and
- 864 (e) participating in the evaluation of responses to interventions.

865 [(17)] (18) "Practice of registered nursing" means performing acts of nursing as
866 provided in this Subsection [(17)] (18) by a person licensed under this chapter as a registered
867 nurse within the generally recognized scope of practice of registered nurses as defined by rule[-

868 ~~Registered nursing acts include~~], including:

- 869 (a) assessing the health status of individuals and groups;
- 870 (b) identifying health care needs;
- 871 (c) establishing goals to meet identified health care needs;
- 872 (d) planning a strategy of care;
- 873 (e) prescribing nursing interventions to implement the strategy of care;
- 874 (f) implementing the strategy of care;
- 875 (g) maintaining safe and effective nursing care that is rendered to a patient directly or
876 indirectly;

877 (h) evaluating responses to interventions;

878 (i) teaching the theory and practice of nursing; [~~and~~]

879 (j) managing and supervising the practice of nursing[-]; and

880 (k) prescribing insulin in accordance with Title 26, Chapter 67, Insulin Access Act.

881 (19) "Prescribe" means the same as that term is defined in Section [58-17b-102](#).

882 [(18)] (20) "Routine medications":

883 (a) means established medications administered to a medically stable individual as
884 determined by a licensed health care practitioner or in consultation with a licensed medical
885 practitioner; and

886 (b) is limited to medications that are administered by the following routes:

887 (i) oral;

888 (ii) sublingual;

889 (iii) buccal;

890 (iv) eye;

891 (v) ear;

892 (vi) nasal;

893 (vii) rectal;

894 (viii) vaginal;

895 (ix) skin ointments, topical including patches and transdermal;

896 (x) premeasured medication delivered by aerosol/nebulizer; and

897 (xi) medications delivered by metered hand-held inhalers.

898 ~~[(19)]~~ (21) "Unlawful conduct" means the same as that term is defined in Sections
899 [58-1-501](#) and [58-31b-501](#).

900 ~~[(20)]~~ (22) "Unlicensed assistive personnel" means any unlicensed person, regardless
901 of title, to whom tasks are delegated by a licensed nurse as permitted by rule and in accordance
902 with the standards of the profession.

903 ~~[(21)]~~ (23) "Unprofessional conduct" means the same as that term is defined in
904 Sections [58-1-501](#) and [58-31b-502](#) and as may be further defined by rule.

905 Section 16. Section **58-31b-803** is amended to read:

906 **58-31b-803. Limitations on prescriptive authority for advanced practice**
907 **registered nurses.**

908 (1) This section does not apply to an advanced practice registered nurse specializing as
909 a certified registered nurse anesthetist ~~[under Subsection [58-31b-102\(14\)\(d\)](#)]~~ as defined in
910 Section [58-31b-102](#).

911 (2) Except as provided in Subsections (3) and [58-31b-502\(1\)\(r\)](#), an advanced practice
912 registered nurse may prescribe or administer a Schedule II controlled substance without a
913 consultation and referral plan.

914 (3) An advanced practice registered nurse described in Subsection (4) may not
915 prescribe or administer a Schedule II controlled substance unless the advanced practice
916 registered nurse prescribes or administers Schedule II controlled substances in accordance with
917 a consultation and referral plan.

918 (4) Subsection (3) applies to an advanced practice registered nurse who:

919 (a) (i) is engaged in independent solo practice; and

920 (ii) (A) has been licensed as an advanced practice registered nurse for less than one
921 year; or

922 (B) has less than 2,000 hours of experience practicing as a licensed advanced practice
923 registered nurse; or

924 (b) owns or operates a pain clinic.

925 (5) Notwithstanding Subsection [58-31b-102\(5\)](#), an advanced practice registered nurse
926 with at least three years of experience as a licensed advanced practice registered nurse may

927 supervise a consultation and referral plan for an advanced practice registered nurse described in
928 Subsection (4)(a).

929 Section 17. Section **62A-4a-213** is amended to read:

930 **62A-4a-213. Psychotropic medication oversight pilot program.**

931 (1) As used in this section, "psychotropic medication" means medication prescribed to
932 affect or alter thought processes, mood, or behavior, including antipsychotic, antidepressant,
933 anxiolytic, or behavior medication.

934 (2) The division shall, through contract with the Department of Health, establish and
935 operate a psychotropic medication oversight pilot program for children in foster care to ensure
936 that foster children are being prescribed psychotropic medication consistent with their needs.

937 (3) The division shall establish an oversight team to manage the psychotropic
938 medication oversight program, composed of at least the following individuals:

939 (a) an "advanced practice registered nurse," as defined in [~~Subsection~~] Section
940 58-31b-102~~[(14)]~~, employed by the Department of Health; and

941 (b) a child psychiatrist.

942 (4) The oversight team shall monitor foster children:

943 (a) six years old or younger who are being prescribed one or more psychotropic
944 medications; and

945 (b) seven years old or older who are being prescribed two or more psychotropic
946 medications.

947 (5) The oversight team shall, upon request, be given information or records related to
948 the foster child's health care history, including psychotropic medication history and mental and
949 behavioral health history, from:

950 (a) the foster child's current or past caseworker;

951 (b) the foster child; or

952 (c) the foster child's:

953 (i) current or past health care provider;

954 (ii) natural parents; or

955 (iii) foster parents.

956 (6) The oversight team may review and monitor the following information about a
957 foster child:

958 (a) the foster child's history;
959 (b) the foster child's health care, including psychotropic medication history and mental
960 or behavioral health history;
961 (c) whether there are less invasive treatment options available to meet the foster child's
962 needs;
963 (d) the dosage or dosage range and appropriateness of the foster child's psychotropic
964 medication;
965 (e) the short-term or long-term risks associated with the use of the foster child's
966 psychotropic medication; or
967 (f) the reported benefits of the foster child's psychotropic medication.
968 (7) (a) The oversight team may make recommendations to the foster child's health care
969 providers concerning the foster child's psychotropic medication or the foster child's mental or
970 behavioral health.
971 (b) The oversight team shall provide the recommendations made in Subsection (7)(a)
972 to the foster child's parent or guardian after discussing the recommendations with the foster
973 child's current health care providers.
974 (8) The division may adopt administrative rules in accordance with Title 63G, Chapter
975 3, Utah Administrative Rulemaking Act, necessary to administer this section.
976 (9) The division shall report to the Child Welfare Legislative Oversight Panel
977 regarding the psychotropic medication oversight pilot program by October 1 of each even
978 numbered year.
979 **Section 18. Effective date.**
980 This bill takes effect on May 12, 2020, except that the amendments to Sections
981 [31a-22-626](#) and [49-20-420](#) take effect on January 1, 2021.