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Sturgeon, Townsend, Walsh, Wilson; Reps. Baumbach,
Bush, Harris, Hilovsky, K. Johnson, Neal, Romer,
Michael Smith

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 165

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PHARMACY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2502, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 2502. Definitions.

For purposes of this chapter:

() “Collaborative pharmacy practice” means the practice of pharmacy whereby one or more pharmacists provides patient care and drug therapy management services not otherwise permitted to be performed by a pharmacist to patients under a collaborative pharmacy practice agreement(s) with one or more practitioners which defines the nature, scope, conditions, and limitations of the services to be provided by the pharmacist(s).

() “Collaborative pharmacy practice agreement” means a written and signed agreement between one or more pharmacists and one or more practitioners that provides for collaborative pharmacy practice.

~~(21)~~() “Practice of pharmacy” means the interpreting, evaluating, and dispensing of a practitioner’s or prescriber’s order. The “practice of pharmacy” includes the proper compounding, labeling, packaging, and dispensing of a drug to a patient or the patient’s agent, and administering a drug to a patient. The “practice of pharmacy” includes the application of the pharmacist’s knowledge of pharmaceuticals, pharmacology, pharmacokinetics, drug and food interactions, drug product selection, and patient counseling. The “practice of pharmacy” also includes all of the following:

a. Participation in drug utilization and/or drug regimen reviews.

b. Participation in therapeutic drug selection, substitution of therapeutically equivalent drug products.

c. Advising practitioners and other health-care professionals, as well as patients, regarding the total scope of drug therapy, so as to deliver the best care possible.

d. Monitoring drug therapy.

e. Performing and interpreting capillary blood tests to screen and monitor disease risk factors or facilitate patient education, the results of which must be reported to the patient's health-care practitioner; screening results to be reported only if outside normal limits.

f. Conducting or managing a pharmacy or other business establishment where drugs are compounded or dispensed.

g. [Repealed.]

h. Administration of injectable medications, biologicals and adult immunizations pursuant to a valid prescription or physician-approved protocol approved by a physician duly licensed in the State under subchapter III of Chapter 17 of this title. ~~Pharmacists shall request which physician or physicians and notify the physician or physicians as designated by the patient of such administration within 72 hours. The notice shall include the patient's name, the name of the immunizations, inoculations or vaccinations administered, and the date of administration and may be submitted by phone, fax, post or electronically. Upon request a copy of the protocol will be made available to the designated physician or physicians without costs. Upon request, a copy of the protocol will be made available to the designated prescriber or prescribers without cost. All vaccine administrations shall be reported to DELVAX within 72 hours of administration. This report to DELVAX shall include the patient's name, the name of the immunization, inoculations, or vaccinations administered, site of injection, Lot and expiration, the facility that provided vaccination, and the date of administration, and shall be submitted electronically. Pharmacists, pharmacy interns, and nationally certified pharmacy technicians who have completed an accredited training program, are currently trained in CPR, and have notified the Delaware Board of Pharmacy, may administer immunizations via a prescriber's order or protocol for patients 3 years of age and older.~~

i. Dispensing contraceptives or dispensing and administering injectable hormonal contraceptives under Chapter 30O of Title 16.

j. Ordering, performing, and interpreting tests authorized by the Food and Drug Administration, and waived under the federal Clinical Laboratory Improvement Amendments of 1988 [42 U.S.C. § 263a].

k. Initiating drug therapy for health conditions in accordance with § 2525 of this title.

l. Collaborative pharmacy practice in accordance with a collaborative pharmacy practice agreement.

~~(22)(l)~~ "Practitioner" or "prescriber" means an individual who is authorized by law to prescribe drugs in the course of professional practice or by collaborative pharmacy practice agreement or research in any state.

SYNOPSIS

This Act amends Chapter 25, Title 24 of the Delaware Code relating to the Practice of Pharmacy. The amendments authorize pharmacists to engage in “collaborative pharmacy practice” with one or more “practitioners” meaning individuals who are authorized by law to prescribe drugs in the course of professional practice. Pharmacists may also do so pursuant to a “collaborative pharmacy practice agreement,” which means a written and signed agreement between one or more pharmacists and one or more practitioners that provides for a collaborative pharmacy practice.

Author: Senator Poore