

# House Research Act Summary

**CHAPTER:** 166

**SESSION:** 2012 Regular Session

**TOPIC:** Automated Drug Distribution System; Limited Service Pharmacies

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## Overview

This act sets requirements for the use of automated drug distribution systems in specified health care facilities. The act also allows the Board of Pharmacy to grant licenses to physicians to dispense drugs in a limited service pharmacy.

- 1 Limited service pharmacy.** Amends § 151.01, by adding subd. 2a. Defines "limited service pharmacy" as a pharmacy that has been issued a restricted license to perform a limited range of activities that constitute the practice of pharmacy.
- 2 Health professional shortage area.** Amends § 151.01, by adding subd. 34. Defines "health professional shortage area" as an area designated as such by the federal Secretary of Health and Human Services, as provided under federal law and regulations.
- 3 Licensing of physicians to dispense drugs; renewals.** Amends § 151.19, by adding subd. 4. (a) Allows the Board of Pharmacy to grant a license to any physician who provides services in a health care facility located in a health professional shortage area, that authorizes the physician to dispense drugs for individuals for whom pharmaceutical care is not reasonably available. Requires the license to be renewed annually. Limits the physician to dispensing drugs in a limited service pharmacy, in compliance with board rules on the dispensing of drugs.
  - (b) States that pharmaceutical care is not reasonably available if the limited service pharmacy is located in a health professional shortage area, and no other licensed pharmacy is located within 15 miles of the limited service pharmacy.
  - (c) Provides that specified requirements related to certification by pharmacists do not apply, if the physician certifies each prescription in compliance with the relevant Minnesota Rules.
  - (d) Allows the physician to be assisted by a pharmacy technician if certain requirements are met. Allows the physician to supervise the pharmacy technician and allows supervision without the physician being physically present, if the physician or a licensed pharmacist is available either electronically or by telephone.

(e) States that nothing in this subdivision shall be construed to prohibit a physician from dispensing drugs as allowed under current law.

**4 Automated drug distribution system.** Adds § 151.58.

**Subd. 1. Scope.** States that this section only applies to the use of automated drug distribution systems located within the facilities described in subdivision 2, and that all applicable laws and rules must be followed, except as provided in this section.

**Subd. 2. Definitions.** Defines automated drug distribution system, health care facility, and managing pharmacy. Defines "health care facility" as a nursing home, housing with services establishment in which a home care provider is providing centralized storage of medications, or a community behavioral health hospital or Minnesota sex offender program facility operated by DHS.

**Subd. 3. Authorization.** Allows a pharmacy to use an automated drug distribution system to fill prescription drug orders for patients of a health care facility. Requires the system to be located in a health care facility that is not at the same location as the managing pharmacy. Provides that the system is considered an extension of the managing pharmacy.

**Subd. 4. Notification.** (a) Requires a managing pharmacy to provide the board of pharmacy with specified information about the automated drug distribution system, at least 60 days prior to initial use. Requires seven days advanced notice if a system, policies, and procedures identical to those for which notification was previously provided to the board are used.

(b) Requires the managing pharmacy to notify the board whenever an automated drug distribution system is taken permanently out of service.

(c) Requires the managing pharmacy to notify the board whenever an automated drug distribution system is replaced, and to provide the board with specified information.

**Subd. 5. Operation of automated drug distribution systems.** (a) States that the managing pharmacy and the pharmacist in charge are responsible for the operation of an automated drug distribution system.

(b) Specifies who may access an automated drug distribution system and related criteria.

(c) Specifies criteria by which the requirement that a pharmacist certify a prescription (§ 151.215) can be met when an automated drug distribution system is used.

(d) Allows access to drugs when a pharmacist has not reviewed and approved a prescription drug order, only when a formal and written decision to allow access is used by the pharmacy and the therapeutics committee or its equivalent.

(e) Specifies who may load an automated drug dispensing system and related supervisory and monitoring requirements.

(f) Requires the automated drug distribution system to be under the supervision of a pharmacist, and specifies requirements for supervision.