

# HOUSE RESEARCH

## Bill Summary

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**Authors:** Rukavina and others

**Subject:** Long-Term Care Patient Access to Pharmaceuticals

**Analyst:** Randall Chun

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### Overview

This bill requires a long-term care pharmacy to dispense, and a long-term care facility to administer, drugs from specified drug sources to patients of the facility if certain conditions are met. The bill provides immunity from civil liability and allows the long-term care pharmacy to charge a fee for repackaging and relabeling the drug.

#### Section

- 1** **Legislative findings and purpose.** States legislative findings and purpose related to the dispensing of lower cost drugs available through existing health coverage in unit doses to patients in long-term care facilities.
- 2** **The long-term care patient access to pharmaceuticals act.** Adds § 151.415.

**Subd. 1. Title; citation.** Provides that this section may be cited as the "Long-Term Care Patient Access to Pharmaceuticals Act."

**Subd. 2. Definitions.** Defines terms. "Drug source" is defined as a facility or program where drugs are lawfully manufactured, dispensed, or distributed, including a pharmacy, an entity, and a federal or state agency or instrumentality, but not including a long-term care pharmacy.

Defines "long-term care pharmacy" as a pharmacy within a long-term care facility, a pharmacist employed by a long-term care facility who fills prescriptions for patients of the facility, a pharmacist who contracts with a long-term care facility to fill

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prescriptions for patients of the facility, and a pharmaceutical provider that contracts with a long-term care facility to fill prescriptions for patients of the facility.

**Subd. 3. State board of pharmacy.** Requires the board of pharmacy to develop any forms required by this section and distribute the forms upon request to long-term care facilities, physicians, long-term care pharmacies, pharmacists, and the public, and to make the forms available via the Internet.

**Subd. 4. Authorization to administer and dispense drugs.** (a) Requires a long-term care facility to administer a drug acquired from a drug source to a patient of a long-term care facility, notwithstanding any law to the contrary.

(b) Requires a long-term care pharmacy to dispense a drug acquired from a drug source for administration to a patient of a long-term care facility, notwithstanding any law to the contrary.

(c) Requires a long-term care facility to administer a drug acquired from a drug source if: (1) the drug is acquired from a drug source; (2) there is a prescription for the drug; and (3) the patient, or if relevant a responsible party, has signed a form authorizing the facility to administer the drug.

(d) Requires a long-term care facility to dispense a drug acquired from a drug source if the conditions in paragraph (c) are met.

(e) Requires a long-term care facility to repackage, relabel, and dispense a drug acquired from a drug source in unit doses or other forms that enable the facility to administer the drug safely and in a manner and form that conforms with the facility's procedures and quality assurance standards.

**Subd. 5. Maintenance of records.** Requires the long-term care facility and the long-term care pharmacy, for each drug dispensed under this section, to maintain a record for at least two years of specified information.

**Subd. 6. Drug source.** Requires the long-term care pharmacy to obtain from the drug source a copy of the original prescription and the name of the manufacturer of the drug, the lot or control number, and the expiration date of the drug.

**Subd. 7. Immunity from civil liability.** (a) States that a long-term care pharmacy and its employees or agents dispensing a drug under this section shall be immune from civil liability arising from harm caused by the drug due to acts or omissions of other persons outside of the long-term care pharmacy, if the long-term care pharmacy properly dispenses, repackages, and relabels the drug.

(b) States that a long-term care facility and its employees or agents who properly administer a drug provided by a long-term care pharmacy under this section shall be immune from civil liability arising from harm caused by the drug due to acts or omissions of other persons outside the long-term care facility.

**Subd. 8. Repackaging and relabeling fee.** Allows a long-term care pharmacy to charge a fee for repackaging and relabeling a drug obtained from a drug source for dispensing to a patient in a long-term care facility. Provides that the fee must be no higher than what a community pharmacy would charge for dispensing a drug. Requires the fee to be a set amount per patient, notwithstanding the number of

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prescriptions that are repackaged and relabeled for each patient.

**Subd. 9. Penalties.** Gives the board the power to revoke or suspend the registration certificate of any pharmacy that, or the license of any pharmacist who, refuses to comply with this section.