



PHARMACY SERVICES in the States

Weekly Pharmacy Temperature Check of the States

Heatstroke - Requires Immediate Attention: (Hot Topics:)

CALIFORNIA SB 484 – METH PRECURSORS SALES RESTRICTIONS

Sponsor: Senator Wright (D)

Summary: Current version provides that any person who obtains ephedrine, pseudoephedrine, and specified related drugs without a prescription shall be guilty of an infraction or a misdemeanor.

Outlook: Hearing scheduled in the Assembly Public Safety Committee tomorrow, June 30.

Passed Senate June 2. CHPA and its member companies are fighting this bill. FMI has joined the CHPA coalition to oppose the bill. Proponents of the bill include the state attorney general, the state board of pharmacy, and numerous law enforcement groups. Please contact Ted Peterson at CHPA, 202-429-3546 or tpeterson@chpa-info.org, if you have any questions.

Heat Exhaustion - Requires Close Monitoring:

Mild Fever - Monitor:

MICHIGAN HB 5164 - PHARMACIST CONSCIENCE CLAUSE

Sponsor: Representative Lisa Brown (D)

Summary: Provides that a pharmacist shall not refuse to dispense or transfer a prescription based solely on his or her ethical, moral or religious beliefs.

Outlook: Introduced and referred to Judiciary Committee June 25, 2009. The bill sponsor is a member of the majority party and sits on the committee of referral, the Judiciary Committee. The bill has several cosponsors, including the chair of the committee of referral. All of the cosponsors of the bill are members of the majority party. With a Democrat-controlled House and Republican-held Senate, legislation must have strong bipartisan support in order to move successfully through both chambers.

Companion Bill: SB667

INDIANA HB 1001a – TAMPER RESISTANT PRESCRIPTION PADS / PHARMACY LICENSING

Sponsor: Representative Crawford (D)

Summary: Current version provides that the Board of Pharmacy may: establish requirements and tests to determine the moral, physical, intellectual, educational, scientific, technical, and professional qualifications for applicants for pharmacists' licenses; refuse to issue, deny, suspend, or revoke a license or permit or place on probation or fine any licensee or permittee under this chapter; regulate the sale of drugs and devices in the state of Indiana; impound, embargo, confiscate, or otherwise prevent from disposition any drugs, medicines, chemicals, poisons, or devices which by inspection are deemed unfit for use or would be dangerous to the health and welfare of the citizens of the state of Indiana; prescribe minimum standards with respect to physical characteristics of pharmacies, as may be necessary to the maintenance of professional surroundings and to the protection of the safety and welfare of the public; subject to IC 25-1-7, investigate complaints, subpoena witnesses, schedule and conduct hearings on behalf of the public interest on any matter under the jurisdiction of the board; prescribe the time, place, method, manner, scope, and subjects of licensing examinations which shall be given

at least twice annually; and perform such other duties and functions and exercise such other powers as may be necessary to implement and enforce this chapter. The board shall adopt rules under IC 4-22-2 for the following: (1) Establishing standards for the competent practice of pharmacy. (2) Establishing the standards for a pharmacist to counsel individuals regarding the proper use of drugs. (3) Establishing standards and procedures before January 1, 2006, to ensure that a pharmacist: (A) has entered into a contract that accepts the return of expired drugs with; or (B) is subject to a policy that accepts the return of expired drugs of; a wholesaler, manufacturer, or agent of a wholesaler or manufacturer concerning the return by the pharmacist to the wholesaler, the manufacturer, or the agent of expired legend drugs or controlled drugs.

Outlook: Passed House June 18. Passed Senate, returned to House for concurrence with Senate amendments and House refused to concur with Senate amendments June 23. This measure will now be heard in a conference committee.

NEW JERSEY SB 2251 – DEXTROMETHORPHAN

Sponsor: Senator Barbara Buono (D)

Summary: Current version prohibits the sale of products containing dextromethorphan to minors under 18 years of age. Establishes penalties for violations of the provisions in this act.

Outlook: Passed Senate June 25, 2009. The measure now awaits referral to an Assembly committee.

NEW YORK AB 7662 - CONTROLLED SUBSTANCES

Sponsor: Assemblyman Felix Ortiz (D)

Summary: Current version authorizes the Department of Health to notify a pharmacy that a patient has obtained a prescription for controlled substances from another pharmacy.

Designates human growth hormone, anabolic steroids and pregabalin as controlled substances.

Outlook: Passed Assembly and referred to Senate Rules Committee June 22.

PENNSYLVANIA HB 1676 - MEDICAID PRESCRIPTION REIMBURSEMENT / PHARMACY AUDITING

Sponsor: Representative Todd Eachus (D)

Summary: Current version provides that participating pharmacies shall be paid within nine business days of the contracting firm receiving the appropriate substantiation of the transaction. Provides that pharmacies shall be entitled to interest for payment not made within fifteen days at the rate approved by the Board of Pharmacy. Provides that the program payment for PACE/PACENET shall be the lower of the following: a) 82% of the average wholesale cost of the prescription drug dispensed for brand name drugs; or 20% of the average wholesale cost of the prescription drug dispensed for generic drugs; b) the pharmacy's usual charge for the drug dispensed; c) if a generic drug, the most current Federal upper payment limits; and d) the acquisition cost of the prescription drug dispensed. Provides that the program shall pay a dispensing fee of the greater of \$12 per prescription for brand name drugs or \$7 per prescription for generic drugs or the amount set by the Department of Aging regulation. Provides that the copayment shall be paid by the claimant at the point of sale and the generic differential, if required, shall be subtracted at the point of sale and that neither Pennsylvania nor any claimant shall be charged more than the price of the drug at the pharmacy on the date of sale. Provides that the Department shall update the average wholesale cost and the Federal upper payment limits relating to upper limits for multiple source drugs on a regular basis on a daily basis. Requires providers to provide documentation of their acquisition costs for each prescription drug dispensed to claimants to the Department within 30 days of a request. Provides that the documentation is not discoverable or admissible as evidence in a proceeding except that the

Department may rely on the documentation to defend against an appeal brought by a provider from an audit or adverse action regarding program payments. Provides that this documentation is not considered to be public record. Prohibits a person from seeking reimbursement from the program for amounts other than the provider's acquisition costs. Find the current version of the bill, [here](#).

Outlook: Introduced and referred to Passed Aging and Older Adult Services Committee and referred to Rules Committee June 23.

98.6 – Items of Interest:

FINAL LOUISIANA HB 399 - CONTROLLED SUBSTANCES

Sponsor: Representative Brett Geymann (R)

Summary: Adds Carisoprodol (Soma) to a Schedule IV controlled substance.

Outlook: This measure passed the Senate 38-0 June 16 and has been sent to Governor Bobby Jindal (R) for consideration. The Governor has 10 business days after receiving the measure to sign or veto it, or it will become law without his signature.

Effective Date: August 15, 2009

FINAL LOUISIANA H.B. 517 - PHARMACIST CONSCIENCE CLAUSE

Sponsor: Representative H. Bernard LeBas (D)

Summary: Final version allows a person, employer, or public or private entity to elect not to provide any health care service that violates its conscience. Requires a pharmacy that employs a pharmacist who will decline to participate in any health care service that violates his conscience to post a conspicuous notice in the pharmacy area of the facility which notifies the public. Requires all persons who have a sincerely held religious belief or moral conviction to notify their prospective employer of the existence of such belief. Provides that a person may not decline to participate in a health care service that violates his conscience if it would result in a patient's access to health care being compromised. Requires any health care facility which employs a person who will decline to participate to ensure that sufficient staff is available to provide patient care. The final bill can be [found here](#).

Outlook: Passed Senate amended June 22. Passed House June 23 and has been sent to Governor Bobby Jindal (R) for consideration.

Effective Date: August 15, 2009

FINAL LOUISIANA HB 69 - CONTROLLED SUBSTANCES

Sponsor: Representative Joseph Lopinto III (R)

Summary: Final version adds 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), and NBenzylpiperazine to Schedule I classification.

Outlook: Passed House May 28. Passed Senate June 16. Sent to Governor Bobby Jindal (R) June 18.

Effective Date: August 15, 2009

FINAL NEW JERSEY AB 3799 - CONTROLLED SUBSTANCES

Sponsor: Assemblyman Herbert Conaway (D)

Summary: Final version permits physicians to issue multiple prescriptions for a total of up to 90 day supply of Schedule II drugs. Find the final bill, [here](#).

Outlook: Passed Assembly May 21. Passed Senate June 25 and awaits transmission to Governor Jon Corzine (D). Upon receiving the bill, the Governor will have 45 days in which to sign the bill, veto it, return it with amendments or allow it to become law without a signature.

Effective Date: First day of the first month following 90 days after enactment

FINAL NEW JERSEY AB 4100 - MEDICAID PRESCRIPTION REIMBURSEMENT

Sponsor: Assemblymember Louis Greenwald (D)

Summary: Final version restructures prescription drug reimbursement rates and conditions for Medical Assistance Recipients and General Assistance Medical Services. Establishes that reimbursement for legend and non-legend drugs must be on the basis of the Average Wholesale Price less a 16% discount. Prohibits the appropriations of funds unless the original prescription is at least 85% finished.

Outlook: Passed Assembly June 25. Passed Senate and sent to Governor Jon Corzine (D) June 25.

Effective Date: July 1, 2009

FINAL WISCONSIN AB 75 - MEDICAID PRESCRIPTION REIMBURSEMENT / PHARMACIST CONSCIENCE CLAUSE

Sponsor: Governor Jim Doyle (D)

Summary: Current version requires pharmacists to dispense lawfully prescribed contraceptive drugs or devices and to deliver such prescriptions in a timely manner. Under current law, the Department of Human Services (DHS) administers the Senior Care Program to provide prescription drugs to certain elderly persons at reduced prices. Pharmacies may charge a Senior Care enrollee only the program payment rate for prescription drugs, until the enrollee has met an annual deductible, if applicable, and thereafter may charge the enrollee only a specified copayment amount. When an enrollee pays only the copayment, DHS reimburses the pharmacy the program payment rate minus the copayment. The program payment rate is equal to 105% of the MA prescription drug payment rate plus a dispensing fee. This bill reduces the program payment rate to 100% of the MA prescription drug payment rate plus a dispensing fee.

Outlook: Passed Assembly June 13. Passed Senate June 25. All Republicans voted against the bill along with one Democrat in opposition.

Effective Date: different for each section of the bill