



PHARMACY SERVICES in the States

Weekly Pharmacy Temperature Check of the States

Heatstroke - Requires Immediate Attention: (Hot Topics:)

UPDATE WISCONSIN A.B. 482 - PRESCRIPTION COVERAGE/REIMBURSEMENT

Sponsor: Representative Jon Richards (D)

Summary: Current version exempts prescription drugs from the Unfair Sales Act. The Unfair Sales Act prohibits wholesale and retail sales of merchandise at a price below the cost of the merchandise to the seller.

Outlook: Efforts are focused on the Senate to defeat the measure. With senior groups, Wal-Mart, WM&C, numerous unions and other associations actively working to pass this bill in the remaining weeks of session, the WGA is looking for your help. To send a letter to your state senator about the devastating effects of this bill, use this link http://foodaction.net/campaign/save_unfair_sales_act.

Heat Exhaustion - Requires Close Monitoring:

ALABAMA S.B. 526 - PHARMACIST CONSCIENCE CLAUSE

Sponsor: Senator Zeb Little (D)

Summary: Prohibits requiring a physician, employee or member of the staff of a health care entity to dispense abortifacient drugs if that individual objects to such an act on ethical, moral, or religious grounds. Prohibits requiring any person, as a condition of training, continued employment, pay, promotion, or privileges to agree to perform or participate in the dispensing of abortifacient drugs.

Outlook: Introduced in Senate and referred to Economic Expansion and Trade Committee March 9, 2010. The sponsor is a member of the majority party and sits on the committee of referral in the Democratic-controlled Alabama Legislature. The measure has garnered eight bipartisan cosponsors, including two additional members of the committee of referral. In Alabama, committees are not required to hear all bills referred to them.

UPDATE ALASKA H.B. 300 - MEDICAID PRESCRIPTION REIMBURSEMENT

Sponsor: AK House Rules Committee

Summary: Current version expresses the intent of the legislature that the Department of Health and Social Services continues to aggressively pursue Medicaid cost containment initiatives. Requires the Department to address optional Medicaid services, reimbursement rates and eligibility requirements. Requires the Department to develop and implement public provider reimbursement methodologies and payment rates. Expresses the intent of the legislature that the Department identify and investigate alternatives that could improve internal administrative management and accounting controls over the Medicaid program, including determining the viability of outsourcing those activities.

Outlook: Passed House and referred to Senate Finance Committee March 11. Hearing scheduled March 18. Public testimony will be accepted at the discretion of the chair. The committee clerk anticipates several hearings will be held on the measure before a committee vote is taken.

UPDATE ILLINOIS S.B. 2952 - SALES RESTRICTIONS (METH PRECURSORS)

Sponsor: Senator John Sullivan (D)

Summary: Increases by one class the knowing purchase, receipt, or acquisition of more than 7,500 milligrams of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical

isomers within a 30-day period.

Outlook: Passed Senate March 10. Representative Jil Tracy (R) has been added as the chief sponsor on the House.

FINAL INDIANA H.B. 1320 - SALES RESTRICTIONS (METH PRECURSORS)

Sponsor: Representative Earl Harris (D)

Summary: Final version prohibits a retailer from selling, and a purchaser from purchasing, more than 3.6 grams of ephedrine or pseudoephedrine on one day, or nine grams of ephedrine or pseudoephedrine in a 30 day period. Requires a retailer that sells drugs containing ephedrine or pseudoephedrine to: (1) post a sign warning that it is a criminal offense for a person to purchase drugs containing more than certain quantities of ephedrine or pseudoephedrine; and (2) require the clerk who is conducting the transaction to personally advise a purchaser that it is a criminal offense for a person to purchase drugs containing more than certain quantities of ephedrine or pseudoephedrine. Provides that, upon request, the clerk who conducts the transaction shall advise the purchaser how many grams of ephedrine or pseudoephedrine are contained in the drugs being purchased.

Outlook: Conference committee report adopted by House and Senate March 5. This bill now goes to the Governor for consideration. Once Governor Daniels (R) receives the bill, he will have seven days to consider it.

Effective Date: January 1, 2011

IOWA H.S.B. 736 - MEDICAID PRESCRIPTION REIMBURSEMENT

Sponsor: IA Joint Health and Human Services Appropriation Subcommittee

Summary: Provides that for the fiscal year beginning July 1, 2010, the Department of Health and Human Services shall reimburse pharmacy dispensing fees using a single rate of \$4.34 per prescription or the pharmacy's usual and customary fee, whichever is lower.

Outlook: Introduced and referred to Appropriations Committee March 10, 2010. This is a study bill and as such is required to be heard by the committee to make a recommendation for introduction. Once formally introduced, it will not have to go through the committee process but will go directly to the House floor for consideration. The bill makes appropriations regarding health and human services for the Fiscal Year 2010-2011. This measure was requested by the Joint Health and Human Services Appropriations Subcommittee.

RHODE ISLAND H.B. 7872 – PRESCRIPTION LABELING

Sponsor: Representative Mary Ann Shallcross Smith (D)

Summary: Requires pharmacies to include in addition to the sale price, in the posted list of drugs, the date on which each price was last reported, multiple formations and a Spanish language feature.

Outlook: Introduced in House and referred to Corporations Committee March 9, 2010. The bill sponsor is a member of the majority party in the Democratically-controlled General Assembly. The measure has not garnered additional cosponsors. By rule, all measures introduced in Rhode Island must be considered in committee.

Mild Fever – Monitor:

CALIFORNIA S.B. 1029 – DRUG DEVICE AND DISPOSAL

Sponsor: Senator Leland Yee (D)

Summary: Requires pharmacies that furnish nonprescription hypodermic needles and syringes to store the hypodermic needles and syringes in a manner that ensures that they are not accessible to unauthorized persons, and would require pharmacies to provide consumers with prescribed

options for consumer disposal of hypodermic needles and syringes. Requires the State Office of AIDS to develop and maintain information on its Internet website to educate consumers at risk of blood-borne infections of opportunities to improve and protect the consumer's health, and to protect the public health and would also require the California State Board of Pharmacy to post, or post a link to, this information on its Internet website. Deletes the prohibition against any person possessing or having under his control any hypodermic needle or syringe, and permits a physician, pharmacist, or pharmacist technician to provide a person 30 or fewer hypodermic needles and syringes for human use without a prescription or license.

Outlook: Introduced February 12, 2010. Referred to Senate Health Committee February 25. Hearing scheduled April 14. Public testimony will be accepted during the hearing. The committee clerk expects a vote will be taken, but could not indicate the likelihood of the measure's passage.

MINNESOTA H.F. 3568 - MEDICAID PRESCRIPTION COVERAGE

Sponsor: Representative Jerry Newton (DFL)

Summary: Requires a vendor of medical care to participate as a provider or contractor in the federal TRICARE program as a condition of participating as a provider or contractor in state-funded health care programs.

Outlook: Introduced in House and referred to Health Care and Human Services Policy and Oversight Committee March 9, 2010. The bill sponsor is a member of the majority party in the Democratically-controlled Legislature. The measure has not garnered additional cosponsors. Cosponsorship is often seen as essential for a measure's consideration. The committee clerk could not indicate the likelihood of the measure's consideration.

UPDATE MINNESOTA S.F. 2972 – MTM

Sponsor: Senator Yvonne Prettner Solon (DFL)

Summary: Modifies medical assistance coverage of medication therapy management services. Enables recipients, if there are no qualified pharmacists within a reasonable geographic distance of the individual, to utilize medication therapy management services from a qualified pharmacist via two-way interactive video.

Outlook: Passed Senate Health, Housing and Family Security Committee March 4, 2010 and referred to Finance Committee March 8. The committee clerk could not indicate the likelihood of the measure's passage. A vote count is unavailable at this time.

UPDATE SOUTH CAROLINA S.B. 1137 - CONTROLLED SUBSTANCES REPORTING

Sponsor: Senator Michael Fair (R)

Summary: Current version (March 9) establishes additional requirements for the electronic reporting system. Requires pharmacists to use a written log if the reporting system is experiencing technical difficulties. Requires pharmacies and retailers to monitor the sale and purchase of phenylpropanolamine. Requires pharmacies to maintain an electronic log and to transmit said data to a central data location. Enables retailers to apply to the Board of Pharmacy for an exemption from the electronic log requirement.

Outlook: Passed Senate March 11. After passing the Senate by a voice vote, the measure awaits consideration in the House. The House clerk could not indicate the likelihood of the measure's passage.

FINAL SOUTH DAKOTA H.B. 1231 - CONTROLLED SUBSTANCES REPORTING

Sponsor: Representative David Lust (R)

Summary: Final version requires the Board of Pharmacy to establish and maintain a prescription

drug monitoring program to monitor the prescribing and dispensing of all controlled substances. Requires the program to utilize a central repository, to which each dispenser shall submit, by electronic means, information regarding each prescription dispensed for a controlled substance. Requires the information submitted for each prescription to include all of the data elements in the 2005 version of the electronic reporting standard for prescription monitoring programs, version 003, release 000, of the American Society for Automation in Pharmacy.

Outlook: The House concurred March 10 with Senate amendments. This measure may now be transmitted to Governor Mike Rounds (R) for consideration. The Governor will have five days upon receiving this bill to take action. If he does not sign or veto the bill, it will automatically become law.

Effective Date: July 1, 2010

98.6 – Items of Interest:

UPDATE AND FINAL INDIANA H.B. 1051 - SALES RESTRICTIONS (METH PRECURSORS)

Sponsor: Representative Trent Van Haaften (D)

Summary: Repeals provisions concerning the establishment and operation of an electronic log to record the sale without a prescription of drugs containing ephedrine and pseudoephedrine. Makes ephedrine and pseudoephedrine schedule V controlled substances.

Outlook: Failed upon adjournment March 14.