

1 H.813

2 Introduced by Representatives Dakin of Chester, Botzow of Pownal, Dame of
3 Essex, French of Randolph, Krowinski of Burlington, Martin of
4 Wolcott, Nuovo of Middlebury, Patt of Worcester, Sweaney of
5 Windsor, and Till of Jericho

6 Referred to Committee on

7 Date:

8 Subject: Health; health care providers; pharmacists

9 Statement of purpose of bill as introduced: This bill proposes to allow
10 pharmacists to practice clinical pharmacy and to receive reimbursement from
11 health insurers for providing clinical pharmacy services.

12 An act relating to pharmacists practicing clinical pharmacy

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 26 V.S.A. § 2022 is amended to read:

15 § 2022. DEFINITIONS

16 As used in this chapter:

17 * * *

1 (14)(A) “Practice of pharmacy” means:

2 (i) the interpretation and evaluation of prescription orders;

3 (ii) the compounding, dispensing, and labeling of drugs and
4 legend devices (except labeling by a manufacturer, packer, or distributor of
5 nonprescription drugs and commercially packaged legend drugs and legend
6 devices);

7 (iii) the participation in drug selection and drug utilization
8 reviews;

9 (iv) the proper and safe storage of drugs and legend devices and
10 the maintenance of proper records therefor;

11 (v) the responsibility for advising, where necessary or where
12 regulated, of therapeutic values, content, hazards, and use of drugs and legend
13 devices; ~~and~~

14 (vi) the providing of patient care services;

15 (vii) the optimizing of drug therapy through the practice of clinical
16 pharmacy; and

17 (viii) the offering or performing of those acts, services, operations,
18 or transactions necessary in the conduct, operation, management, and control
19 of pharmacy.

1 (B) “Practice of clinical pharmacy” means:

2 (i) the health science discipline in which, in conjunction with the
3 patient’s other practitioners, a pharmacist provides patient care to optimize
4 medication therapy and to promote disease prevention and the patient’s health
5 and wellness;

6 (ii) the provision of patient care services, including medication
7 therapy management, comprehensive medication review, and post-diagnostic
8 disease state management services; and

9 (iii) the practice of pharmacy by a pharmacist pursuant to a
10 clinical pharmacy agreement.

11 (C) A rule shall not be adopted by the Board under this chapter that
12 shall require the sale and distribution of nonprescription drugs by a licensed
13 pharmacist or under the supervision of a licensed pharmacist or otherwise
14 interfere with the sale and distribution of such medicines.

15 * * *

16 (19) “Clinical pharmacy agreement” means an agreement between a
17 pharmacist and a health care entity or practitioner that permits the pharmacist
18 to engage in the practice of clinical pharmacy for the benefit of the entity’s or
19 practitioner’s patients.

1 Sec. 2. 26 V.S.A. § 2023 is added to read:

2 § 2023. CLINICAL PHARMACY

3 In accordance with rules adopted by the Board, a pharmacist may engage in
4 the practice of clinical pharmacy.

5 Sec. 3. 8 V.S.A. § 4089j is amended to read:

6 § 4089j. RETAIL PHARMACIES; FILLING OF PRESCRIPTIONS

7 (a) A health insurer and pharmacy benefit manager doing business in
8 Vermont shall permit a retail pharmacist licensed under 26 V.S.A. chapter 36
9 to fill prescriptions in the same manner and at the same level of reimbursement
10 as they are filled by mail order pharmacies with respect to the quantity of drugs
11 or days' supply of drugs dispensed under each prescription.

12 (b) Notwithstanding any provision of a health insurance plan to the
13 contrary, if a health insurance plan provides for payment or reimbursement that
14 is within the lawful scope of practice of a pharmacist, the insurer may provide
15 payment or reimbursement for the service when the service is provided by a
16 pharmacist.

17 (c) As used in this section:

18 (1) "Health insurer" is defined by 18 V.S.A. § 9402.

19 (2) "Pharmacy benefit manager" means an entity that performs
20 pharmacy benefit management. "Pharmacy benefit management" means an
21 arrangement for the procurement of prescription drugs at negotiated dispensing

1 rates, the administration or management of prescription drug benefits provided
2 by a health insurance plan for the benefit of beneficiaries, or any of the
3 following services provided with regard to the administration of pharmacy
4 benefits:

5 (A) mail service pharmacy;

6 (B) claims processing, retail network management, and payment of
7 claims to pharmacies for prescription drugs dispensed to beneficiaries;

8 (C) clinical formulary development and management services;

9 (D) rebate contracting and administration;

10 (E) certain patient compliance, therapeutic intervention, and generic
11 substitution programs; and

12 (F) disease management programs.

13 ~~(e)~~(d) This section shall apply to Medicaid and any other public health care
14 assistance program.

15 Sec. 4. EFFECTIVE DATE

16 This act shall take effect on July 1, 2016.