

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2385

S.P. 935

In Senate, January 12, 2000

**An Act to Allow Maine Pharmacies to Operate more Efficiently and
Improve the Delivery of Services.**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PINGREE of Knox.
Cosponsored by Senators: DAGGETT of Kennebec, KONTOS of Cumberland,
Representatives: BERRY of Livermore, MAYO of Bath, TRIPP of Topsham, TUTTLE of
Sanford, USHER of Westbrook, WINSOR of Norway.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 32 MRSA §13702, sub-§1-B** is enacted to read:

6 **1-B. Central facility.** "Central facility" means a facility that:

8 **A. Fills a prescription drug order at the request of a pharmacy; and**

10 **B. Does not have direct contact with a patient or person acting on behalf of a patient submitting the prescription drug order to the pharmacy.**

14 **Sec. 2. 32 MRSA §13724** is enacted to read:

16 **§13724. Demonstration projects**

18 **The board may allow a temporary waiver to its rules enacted pursuant to this Act to allow a person to develop a demonstration project whose purpose is to ensure the adequate staffing of pharmacies within this State. A waiver granted pursuant to this section may not exceed one year; however, a waiver may be renewed by the board.**

26 **Sec. 3. 32 MRSA §13796** is enacted to read:

28 **§13796. Filling of prescription by central location**

30 **1. Filling by central facility permitted.** A pharmacy that lawfully dispenses pursuant to this chapter may contract with a central facility to have a prescription drug order filled and returned to the pharmacy. The pharmacy requesting assistance from the central facility shall fulfill its obligations regarding dispensing and counseling of a patient as if the pharmacy had actually filled the prescription drug order.

38 **2. Transmittal of prescription drug order.** Transmittal by a pharmacy of a prescription drug order to a central facility must be by electronic transmission or other means approved by the board that ensures accuracy.

42 **3. Rules.** The board shall adopt rules to carry out the purposes of this section, including the requirements for and regulation of a facility that wishes to operate as a central facility. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A.

SUMMARY

2

This bill does the following:

4

6 1. It allows the Maine Board of Pharmacy to grant waivers
of rules that have been adopted by the board regulating the
8 practice of pharmacy in Maine. The waiver may be granted to
allow the development of demonstration projects whose purpose is
to ameliorate the shortage of qualified pharmacists in Maine; and

10

12 2. It allows a pharmacy to send prescriptions to a central
location where the drug order would be filled and then sent back
to the pharmacy. The pharmacy maintains the responsibility for
14 dispensing the drug and advising the patient. The Maine Board of
Pharmacy is required to oversee this arrangement and regulate it
16 through rulemaking.