

MAINE STATE LEGISLATURE

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L.D. 1134

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LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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STATE OF MAINE

SENATE

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 395, L.D. 1134, Bill, "An Act To Allow Collaborative Practice Agreements between Authorized Practitioners and Pharmacists"

Amend the bill in section 1 in subsection 2-A in the 3rd line (page 1, line 5 in L.D.) by inserting after the following: "pharmacist" the following: 'as authorized by a practitioner'

Amend the bill in section 4 in §13841 in subsection 2 in paragraph D in the 2nd line (page 2, line 31 in L.D.) by striking out the following: "the practitioner" and inserting the following: 'a practitioner who is treating the patient, as long as the action is reported to the practitioner in a timely manner as determined by rules adopted pursuant to section 13846'

Amend the bill in section 4 in §13842 in subsection 2 in paragraph A in the 4th line (page 3, line 4 in L.D.) by striking out the following: "or" and inserting the following: 'of'

Amend the bill in section 4 in §13842 in subsection 2 in paragraph A in the last line (page 3, line 5 in L.D.) by striking out the following: "the area" and inserting the following: 'each clinical area'

Amend the bill in section 4 in §13842 in subsection 2 in paragraph B in the 4th line (page 3, line 9 in L.D.) by striking out the following: "or" and inserting the following: 'of'

Amend the bill in section 4 in §13842 in subsection 2 in paragraph B in the 4th line (page 3, line 9 in L.D.) by striking out the following: "the area" and inserting the following: 'each clinical area'

Amend the bill in section 4 in §13842 in subsection 2 in paragraph C in the 4th line (page 3, line 14 in L.D.) by striking out the following: "or" and inserting the following: 'of'

Amend the bill in section 4 in §13842 in subsection 2 in paragraph C in the 4th line (page 3, line 14 in L.D.) by striking out the following: "the area" and inserting the following: 'each clinical area'

COMMITTEE AMENDMENT

1 Amend the bill in section 4 in §13843 in subsection 1 in the 2nd line (page 3, line 20
2 in L.D.) by inserting after the following: "board" the following: 'and the licensing board
3 that licenses the practitioner'

4 Amend the bill in section 4 in §13843 by striking out all of subsection 6 and inserting
5 the following:

6 '6. Contents of agreement. A practitioner and a pharmacist desiring to engage in
7 collaborative practice in accordance with this subchapter shall execute a collaborative
8 practice agreement that must contain, but is not limited to:

9 A. A provision that states that activity in the initial 3 months of a collaborative
10 practice agreement is limited to monitoring drug therapy. After the initial 3 months,
11 the practitioner and pharmacist shall meet to review the collaborative practice
12 agreement and determine the scope of the agreement, which may after the initial 3
13 months include a pharmacist's initiating, monitoring, modifying and discontinuing a
14 patient's drug therapy and reporting these actions to the practitioner in a timely
15 manner in accordance with rules adopted pursuant to section 13846;

16 B. Identification and signatures of the parties to the collaborative practice agreement,
17 the dates the agreement is signed and the beginning and ending dates of the period of
18 time during which the agreement is in effect;

19 C. A provision that allows either party to cancel the collaborative practice agreement
20 by written notification;

21 D. Specification of the site and setting at which the collaborative practice will occur;

22 E. Specification of the qualifications of the participants in the collaborative practice
23 agreement;

24 F. A detailed description of the types of diseases, drugs or drug categories involved
25 and collaborative drug therapy management allowed in each patient's case; and

26 G. A procedure for the referral of each patient to the practitioner.'

27 Amend the bill in section 4 by striking out all of §13846 and inserting the following:

28 **'§13846. Rules**

29 The board and the Board of Licensure in Medicine, after consultation with the
30 Department of Health and Human Services, shall adopt rules to implement this
31 subchapter. The rules must include rules establishing record-keeping and documentation
32 procedures and reporting requirements and must allow for electronic filing when possible.
33 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
34 chapter 375, subchapter 2-A.

35 **'§13847. Exemptions**

36 Nothing in this subchapter may be construed to limit the scope of practice of a
37 pharmacist pursuant to this chapter or to apply to collaborative practice agreements
38 entered into between a pharmacist and a hospital solely for the treatment of inpatients at
39 the hospital.'

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment makes the following changes to the bill.

5 1. It amends the definition of "collaborative drug therapy management" to require
6 authorization by a practitioner in accordance with the collaborative practice agreement.

7 2. It amends the scope of authority for pharmacists engaging in collaborative drug
8 therapy management by clarifying that the agreement must be with a practitioner who is
9 treating the patient and that all actions must be reported to the practitioner in a timely
10 manner according to rules jointly adopted by the Maine Board of Pharmacy and the
11 Board of Licensure in Medicine.

12 3. It requires a pharmacist to submit a copy of the collaborative practice agreement
13 to the Maine Board of Pharmacy and the board that licenses the practitioner.

14 4. It requires that a collaborative practice agreement include a provision that states
15 that activity in the initial 3 months of all collaborative practice agreements is limited to
16 monitoring drug therapy. After the initial 3 months, the practitioner and pharmacist are
17 required to meet to review the agreement and determine its scope, which may after the
18 initial 3-month period include a pharmacist's initiating, monitoring, modifying and
19 discontinuing a patient's drug therapy and reporting to the practitioner in a timely manner
20 as determined by rule.

21 5. It requires the Maine Board of Pharmacy and the Board of Licensure in Medicine
22 to jointly adopt rules to implement the subchapter on collaborative drug therapy
23 management enacted by the bill.

24 6. It adds an exemption to clarify that the subchapter on collaborative drug therapy
25 management enacted by the bill does not limit the scope of practice of a pharmacist under
26 the Maine Pharmacy Act or prohibit a pharmacist that is employed by a hospital from
27 participating in a collaborative practice agreement with the hospital solely for treatment
28 of inpatients.

FISCAL NOTE REQUIRED
(See attached)



126th MAINE LEGISLATURE

LD 1134

LR 1206(02)

An Act To Allow Collaborative Practice Agreements between Authorized Practitioners and Pharmacists

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-1161)
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Maine Board of Pharmacy within the Office of Professional and Occupational Regulation, Department of Professional and Financial Regulation, and the Board of Licensure in Medicine, affiliated with the Department of Professional and Financial Regulation, associated with the rulemaking process can be absorbed within existing budgeted resources.