

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 252

S.P. 118

In Senate, January 20, 2023

An Act Relating to Long-term Care Pharmacies

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator VITELLI of Sagadahoc.
Cosponsored by Senators: BAILEY of York, DAUGHTRY of Cumberland, Representatives:
CLUCHEY of Bowdoinham, JAUCH of Topsham.

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

2 **Sec. 1. 32 MRSA §13702-A, sub-§12-B** is enacted to read:

3 **12-B. Enhanced pharmacy and clinical services.** "Enhanced pharmacy and clinical
4 services" means services defined by the board by rule, including but not limited to:

5 A. Dispensing of drugs pursuant to a prescription or chart order in specialized
6 packaging, including unit-of-use packaging, unit-dose packaging, single-use
7 containers, packaging from remote automated dispensing technology or other required
8 packaging;

9 B. Comprehensive drug utilization review and appropriate clinical monitoring,
10 including monitoring to identify potential adverse drug reactions and inappropriate
11 drug usage;

12 C. Drug reconciliation services at the transition of care into and out of a long-term care
13 setting and other necessary clinical management and drug services;

14 D. Timely drug delivery 24 hours a day, 7 days a week;

15 E. Pharmacist on-call availability to provide dispensing and clinical services 24 hours
16 a day, 7 days a week; and

17 F. Providing of emergency supplies of drugs as permitted by law, including emergency
18 kits or remote automated dispensing technology.

19 **Sec. 2. 32 MRSA §13702-A, sub-§14-B** is enacted to read:

20 **14-B. Individuals who require enhanced drug services.** "Individuals who require
21 enhanced drug services" means individuals who have one or more comorbid and medically
22 complex chronic conditions that are life-threatening or significantly limit overall health or
23 function, pose a high risk of hospitalization or other adverse health outcomes and require
24 enhanced pharmacy and clinical services.

25 **Sec. 3. 32 MRSA §13702-A, sub-§15-A** is enacted to read:

26 **15-A. Long-term care pharmacy.** "Long-term care pharmacy" means a pharmacy
27 that is licensed to provide enhanced pharmacy and clinical services to individuals who
28 require enhanced drug services and reside in an intermediate care facility for persons with
29 intellectual disabilities as defined in Title 34-B, section 1001, subsection 4-B, a nursing
30 facility as defined in Title 22, section 1812-A, a rehabilitation facility as defined in Title
31 22, section 328, subsection 25, an assisted housing program as defined in Title 22, section
32 7852, subsection 2 or an assisted living program as defined in Title 22, section 7852,
33 subsection 4.

34 **Sec. 4. 32 MRSA §13712**, as amended by PL 2007, c. 402, Pt. DD, §3, is further
35 amended to read:

36 **§13712. Membership**

37 The board consists of 7 ~~8~~ members, two ~~2~~ of whom must be public members as defined
38 in Title 5, section 12004-A and the remainder of whom must be licensed pharmacists who
39 possess the qualifications specified in section 13713. At the time of the appointment, at
40 least one of the licensed pharmacists must be a hospital pharmacist, at least one must be a

1 chain pharmacist ~~and~~, at least one must be an independent pharmacist and at least one must
2 be a pharmacist in a long-term care pharmacy.

3 **Sec. 5. 32 MRSA §13751, sub-§2, ¶E**, as amended by PL 2019, c. 454, §1, is
4 further amended to read:

5 E. Free clinic; ~~or~~

6 **Sec. 6. 32 MRSA §13751, sub-§2, ¶F**, as enacted by PL 2019, c. 454, §1, is
7 amended to read:

8 F. Vending machine outlet; ~~or~~

9 **Sec. 7. 32 MRSA §13751, sub-§2, ¶G** is enacted to read:

10 G. Long-term care pharmacy.

11 **Sec. 8. 32 MRSA §13791**, as amended by PL 1993, c. 231, §1, is further amended
12 to read:

13 **§13791. Return of drugs**

14 A drug or pharmaceutical preparation that has been dispensed on prescription may not
15 be returned to pharmacy stock after being in possession and under the control of another
16 person ~~and if the drug or pharmaceutical preparation has been removed from the sealed~~
17 manufacturer packaging. The drug or pharmaceutical preparation may be dispensed again
18 only if the drug or preparation is packaged in an unbroken, sealed container ~~or if, in the~~
19 ease of a hospital, a licensed pharmacist determines that the drug has not been impaired.

20 **SUMMARY**

21 This bill creates a new category of pharmacy facility licensure for long-term care
22 pharmacies. It defines terms regarding long-term care pharmacies for the Maine Pharmacy
23 Act to mirror a proposed federal law. It increases the number of individuals on the Maine
24 Board of Pharmacy from 7 to 8 members and requires that the additional member be a
25 pharmacist working at a long-term care pharmacy at the time of appointment. It provides
26 that a drug or pharmaceutical preparation may only be accepted back by a pharmacy to be
27 dispensed again if the drug or preparation is packaged in an unbroken, sealed container.