

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

***** 333.17742b.added THIS ADDED SECTION IS EFFECTIVE APRIL 26, 2020 *****

333.17742b.added Staffing of remote pharmacy; requirements; written policy and procedure manual; public notice display; operation requirements and limitations; "qualified pharmacy technician" defined.

Sec. 17742b. (1) If a remote pharmacy open for business is not under the personal charge of a pharmacist, the pharmacist in charge of the parent pharmacy shall ensure that the remote pharmacy is staffed by a qualified pharmacy technician who, while assisting in the dispensing process, is overseen through the use of a surveillance system and a telepharmacy system by a pharmacist who meets the requirements described in subsection (2).

(2) Subject to subsection (10), a pharmacist who is located at a parent pharmacy may only oversee the activities at a remote pharmacy if the pharmacist has access to all relevant patient information that is maintained by the parent pharmacy and he or she is employed by or under contract with the parent pharmacy or a pharmacy that has contracted with the parent pharmacy.

(3) For purposes of this code, a prescription dispensed under this section, including a prescription for a controlled substance, is considered dispensed at the remote pharmacy by the pharmacist described in subsection (2).

(4) The pharmacist in charge of the parent pharmacy shall establish and maintain a written policy and procedure manual that must be made available to the department for inspection upon request and that contains each of the following, subject to this section:

(a) A description of how the remote pharmacy will comply with federal and state laws, rules, and regulations.

(b) The procedure by which a pharmacist described in subsection (2) oversees a qualified pharmacy technician at the remote pharmacy who is assisting in the dispensing process and the procedure by which the pharmacist provides counseling to patients at the remote pharmacy.

(c) The procedure for reviewing each of the following:

(i) Subject to section 7321, prescription drug inventory at the remote pharmacy.

(ii) Prescriptions or equivalent records approved by the board that are on file at the remote pharmacy.

(d) The policy and procedure for providing adequate security to protect the confidentiality and integrity of a patient's protected health information.

(e) The procedure for recovering from an event that interrupts or prevents a pharmacist described in subsection (2) from overseeing the operations of the remote pharmacy through the surveillance system or telepharmacy system. The procedure must require that the remote pharmacy be closed to the public during a time period in which any component of the surveillance system or telepharmacy system is malfunctioning, unless a pharmacist is present at the remote pharmacy during that time period.

(f) The procedure for ensuring that a pharmacist described in subsection (2) complies with the electronic system for monitoring schedule 2, 3, 4, and 5 controlled substances established under section 7333a before a controlled substance is dispensed under this section.

(g) The specific acts, tasks, and functions that a qualified pharmacy technician may perform at the remote pharmacy. However, a qualified pharmacy technician shall not do any of the following at the remote pharmacy:

(i) Provide consultation regarding a prescription or regarding medical information contained in a patient medication record or patient chart.

(ii) Perform compounding of sterile or nonsterile drugs, except for the reconstitution of prepackaged prescription drugs.

(h) A requirement that a pharmacist described in subsection (2) complete a monthly, in-person inspection of the remote pharmacy that includes, at a minimum, conducting inventory reconciliation for controlled substances and reviewing any video recording from the surveillance system that the pharmacist considers necessary.

(i) A policy that requires the pharmacist described in subsection (2) to retain audio and video recordings from the surveillance system for at least 45 calendar days.

(5) The pharmacist in charge of the parent pharmacy shall display at the remote pharmacy in a conspicuous location, visible to the public, a notice that provides all of the following information:

(a) That the pharmacy services are being provided at a remote pharmacy.

(b) That if patient counseling is provided, it may be provided by a pharmacist using audio and video

communication.

(c) The address of the parent pharmacy.

(6) A pharmacist described in subsection (2) shall review a prescription as required by state and federal law, rules, and regulations before the drug or device that is the subject of the prescription is dispensed under this section. The pharmacist shall ensure that the pharmacist's and the qualified pharmacy technician's initials or other means of identifying the pharmacist and the qualified pharmacy technician involved in the dispensing process are recorded on the prescription and that the specific acts, tasks, or functions performed by the pharmacist or qualified pharmacy technician during the dispensing process are recorded in the pharmacy management system. When submitting a claim or otherwise seeking reimbursement for a public or private third party payer for a drug or device that is dispensed under this section, the pharmacist shall identify the remote pharmacy as the pharmacy from which the drug or device was dispensed.

(7) If a remote pharmacy open for business is not under the personal charge of a pharmacist, any patient counseling that is required by rule must be provided before the drug or device is dispensed at the remote pharmacy and must be provided by a pharmacist described in subsection (2) through the telepharmacy system in a manner that complies with the health insurance portability and accountability act of 1996, Public Law 101-191, or regulations promulgated under that act, 45 CFR parts 160 and 164.

(8) If a pharmacist described in subsection (2) is not present at the parent pharmacy, the remote pharmacy must be closed for business unless a pharmacist is present at the remote pharmacy.

(9) A remote pharmacy shall not dispense more than an average of 150 prescriptions per day during a 90-day period.

(10) A pharmacist described in subsection (2) shall not simultaneously oversee the activities of 3 or more remote pharmacies.

(11) As used in this section, "qualified pharmacy technician" means a pharmacy technician who meets all of the following requirements:

(a) He or she holds a pharmacy technician license other than a temporary license under section 17739b or limited license under section 17739c.

(b) He or she has accumulated at least 1,000 hours of experience working in a pharmacy after he or she was granted a temporary pharmacy technician license under section 17739b, a limited pharmacy technician license under section 17739c, or a pharmacy technician license under section 17739a.

(c) He or she holds a national certification as a pharmacy technician from an organization approved by the board.

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