

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 793

Short Title: Pharmacy Practice Amendments.

(Public)

Sponsors: Senator Soles.

Referred to: Judiciary I/Constitution

April 24, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE RELEASE OF PHARMACY RECORDS FOR THE PURPOSE OF OBTAINING REIMBURSEMENT, TO DEFINE "STATE OR LOCAL LAW ENFORCEMENT AGENCY" UNDER THE CONTROLLED SUBSTANCE TAX, TO PROVIDE REGULATION OF LOCATIONS SHIPPING, MAILING, OR DELIVERING DEVICES OR MEDICAL EQUIPMENT TO NORTH CAROLINA RESIDENTS, TO CONFORM THE NORTH CAROLINA PRODUCT SELECTION LAW TO MEDICAID REQUIREMENTS, AND TO ALLOW INVESTIGATIVE EMPLOYEES OF THE NORTH CAROLINA BOARD OF PHARMACY TO CARRY FIREARMS AND TO REQUIRE THESE EMPLOYEES TO COMPLETE A TRAINING PROGRAM FOR THE USE OF FIREARMS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-85.36(a)(10) reads as rewritten:

"(10) Any firm, association, partnership, business trust, ~~corporation~~ corporation, or company charged by law or by contract with the responsibility of providing for or paying for medical care for the patient for whom the prescription order was ~~issued~~; issued, or the patient's parent, spouse, or agent for the purpose of submitting this

information to such firm, association, partnership, business trust, corporation, or company;"

Sec. 2. G.S. 105-113.106 is amended by adding a new subdivision to read:

"(9) State or Local Law Enforcement Agency. – An agency charged, pursuant to G.S. 90-113.5, with the enforcement of Article 5 of Chapter 90 of the General Statutes."

Sec. 3. G.S. 95-85.21A is amended by adding a new subsection to read:

"(g) Any location operating outside the State that ships, mails, or delivers in any manner devices or medical equipment to the user of the equipment in this State shall comply with the provisions of G.S. 90-85.22, G.S. 90-85.24, and rules adopted by the Board governing such locations."

Sec. 4. G.S. 90-85.28(b) reads as rewritten:

"(b) The pharmacist shall not select an equivalent drug product if the prescriber instructs otherwise by one of the following methods:

(1) A prescription form shall be preprinted or stamped with ~~two~~one signature ~~lines~~line at the bottom of the form which read:

'.....'

~~Product Selection Permitted – Dispense as Written'~~

~~On this form, the prescriber shall communicate his instructions to the pharmacist by signing the appropriate line.~~

~~(2) In the event the preprinted or stamped prescription form specified in (b)(1) is not readily available, form, and the prescriber may shall~~ handwrite 'Dispense as Written' or words or abbreviations of the same meaning on a the prescription form.

~~(3)~~ (2) When ordering a prescription orally, the prescriber shall specify either that the prescribed drug product be dispensed as written or that product selection is permitted. The pharmacist shall note the instructions on the file copy of the prescription and retain the prescription form for the period prescribed by law."

Sec. 5. G.S. 90-85.10 reads as rewritten:

**"§ 90-85.10. Employees; Executive Director.**

(a) The Board shall employ as Executive Director a pharmacist to serve as a full-time employee of the Board. The Executive Director shall serve as secretary and treasurer of the Board and shall perform administrative functions as authorized by the Board. The Board shall have the authority to employ other personnel as it may deem necessary to carry out the requirements of this Article.

(b) An employee whose duty it is to investigate violations of this Article and the laws pertaining to the use and distribution of drugs may carry a firearm during the course of performing the employee's duties if the employee completes a training program for the use of firearms equivalent to the training program required of peace officers of this State. The carrying of a firearm by such an employee during the course of performing these duties is not a violation of G.S. 14-269."

Sec. 6. G.S. 14-269(b) is amended by adding a new subdivision to read:

1           "(4a) Investigative employees of the North Carolina Board of Pharmacy who  
2           comply with G.S. 95-85.10(b) when acting in the discharge of their  
3           official duties."

4           Sec. 7. Section 4 of this act becomes effective October 1, 1995. The  
5 remaining sections of this act are effective upon ratification.