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SESSION 2023

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SENATE BILL DRS45267-NB-106

Short Title: Pharmacists/Collaborative Practice. (Public)

Sponsors: Senators Hise and Krawiec (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MODERNIZE AND EXPAND PHYSICIAN-PHARMACIST
3 COLLABORATIVE PRACTICE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 90-18(c)(3a) reads as rewritten:

6 "(3a) The provision of ~~drug therapy management by a licensed pharmacist engaged~~
7 ~~in the practice of pharmacy pursuant to an agreement that is physician,~~
8 ~~pharmacist, patient, and disease specific when health care services by a~~
9 licensed pharmacist under a collaborative practice agreement with one or
10 more physicians shall be performed in accordance with rules and rules
11 developed by a joint subcommittee of the North Carolina Medical Board and
12 the North Carolina Board of Pharmacy and approved by both Boards. Drug
13 therapy management shall be defined as: (i) the implementation of
14 predetermined drug therapy which includes diagnosis and product selection
15 by the patient's physician; (ii) modification of prescribed drug dosages, dosage
16 forms, and dosage schedules; and (iii) ordering tests; (i), (ii), and (iii) shall be
17 pursuant to an agreement that is physician, pharmacist, patient, and disease
18 specific. For the purposes of this subdivision, "health care services" means
19 medical tasks, acts, or functions authorized through a written agreement by a
20 physician and delegated to a pharmacist for the purpose of providing drug
21 therapy, disease, or population health management for patients."

22 **SECTION 1.(b)** G.S. 90-18.4 reads as rewritten:

23 **"§ 90-18.4. Limitations on clinical pharmacist practitioners.**

24 (a) Any pharmacist who is approved under the provisions of G.S. 90-18(c)(3a) to perform
25 medical acts, tasks, and functions may use the title "clinical pharmacist practitioner". Any other
26 person who uses the title in any form or holds himself or herself out to be a clinical pharmacist
27 practitioner or to be so licensed shall be deemed to be in violation of this Article.

28 (b) Clinical pharmacist practitioners are authorized to ~~implement predetermined drug~~
29 ~~therapy, which includes diagnosis and product selection by the patient's physician, modify~~
30 ~~prescribed drug dosages, dosage forms, and dosage schedules, and to order laboratory tests~~
31 ~~pursuant to a drug therapy management agreement that is physician, pharmacist, patient, and~~
32 ~~disease specific by physicians to provide health care services in accordance with~~
33 G.S. 90-18(c)(3a) and subsection (e) of this section under the following conditions:

34 (1) The North Carolina Medical Board and the North Carolina Board of Pharmacy
35 have adopted rules developed by a joint subcommittee governing the approval
36 of individual clinical pharmacist practitioners to practice ~~drug therapy~~



1 ~~management health care services~~ with such limitations that the Boards
2 determine to be in the best interest of patient health and safety.

3 (2) The clinical pharmacist practitioner has current approval from both Boards.

4 (3) The North Carolina Medical Board has assigned an identification number to
5 the clinical pharmacist practitioner which is shown on written prescriptions
6 written by the clinical pharmacist practitioner.

7 (4) ~~The drug therapy management agreement prohibits the substitution of a~~
8 ~~chemically dissimilar drug product by the pharmacist for the product~~
9 ~~prescribed by the physician without the explicit consent of the physician and~~
10 ~~includes a policy for periodic review by the physician of the drugs modified~~
11 ~~pursuant to the agreement or changed with the consent of the physician.~~

12 (e) ~~Clinical pharmacist practitioners in hospitals and other health facilities that have an~~
13 ~~established pharmacy and therapeutics committee or similar group that determines the~~
14 ~~prescription drug formulary or other list of drugs to be utilized in the facility and determines~~
15 ~~procedures to be followed when considering a drug for inclusion on the formulary and procedures~~
16 ~~to acquire a nonformulary drug for a patient may order medications and tests under the following~~
17 ~~conditions:~~

18 (1) ~~The North Carolina Medical Board and the North Carolina Board of Pharmacy~~
19 ~~have adopted rules governing the approval of individual clinical pharmacist~~
20 ~~practitioners to order medications and tests with such limitations as the Boards~~
21 ~~determine to be in the best interest of patient health and safety.~~

22 (2) ~~The clinical pharmacist practitioner has current approval from both Boards.~~

23 (3) ~~The supervising physician has provided to the clinical pharmacist practitioner~~
24 ~~written instructions for ordering, changing, or substituting drugs, or ordering~~
25 ~~tests with provision for review of the order by the physician within a~~
26 ~~reasonable time, as determined by the Boards, after the medication or tests are~~
27 ~~ordered.~~

28 (4) ~~The hospital or health facility has adopted a written policy, approved by the~~
29 ~~medical staff after consultation with nursing administrators, concerning the~~
30 ~~ordering of medications and tests, including procedures for verification of the~~
31 ~~clinical pharmacist practitioner's orders by nurses and other facility employees~~
32 ~~and such other procedures that are in the best interest of patient health and~~
33 ~~safety.~~

34 ~~(5)(c1) Any drug therapy order written by a clinical pharmacist practitioner or order for~~
35 ~~medications or tests—medications, tests, or devices shall be deemed to have been authorized by~~
36 ~~the physician approved by the Boards as the supervisor of the clinical pharmacist practitioner and~~
37 ~~the supervising physician shall be responsible for authorizing the prescription order.~~

38 ~~(c2) Institutional and group practices may implement a site-specific, multi-provider~~
39 ~~collaborative practice agreement for the care of their patients. The institution or group practice~~
40 ~~must develop a policy for oversight, and the clinical pharmacist practitioners engaged in the~~
41 ~~agreement must be evaluated by an appointed supervising physician.~~

42 (d) ~~Any registered nurse or nurse, licensed practical nurse—nurse, or pharmacist who~~
43 ~~receives a drug therapy—therapy, laboratory test, or device order from a clinical pharmacist~~
44 ~~practitioner for medications or tests is authorized to perform that order in the same manner as if~~
45 ~~the order was received from a licensed physician.~~

46 (e) ~~The following requirements apply to clinical pharmacist practitioners and supervising~~
47 ~~physicians engaging in collaborative practice:~~

48 (1) ~~A clinical pharmacist practitioner shall have a site-specific supervising~~
49 ~~physician.~~

50 (2) ~~The supervising physician shall conduct periodic review and evaluation of the~~
51 ~~health care services provided by the clinical pharmacist practitioner.~~

1 (3) A physician may collaborate with any number of clinical pharmacist
2 practitioners, but when acting as the supervising physician, they shall
3 supervise as many clinical pharmacist practitioners as the supervising
4 physician deems can be safely and effectively supervised.

5 (4) Health care services delegated by a supervising physician, such as initiating,
6 changing, or discontinuing drugs, or ordering tests or devices, to assist with
7 drug therapy, disease, or population health management, must be included in
8 the written agreement between the supervising physician and the clinical
9 pharmacist practitioner.

10 (5) A supervising physician may include a "statement of authorization" in the
11 written agreement to allow the clinical pharmacist practitioner to conduct drug
12 substitutions within the same therapeutic class or for biosimilar medications
13 based upon the health plan's drug formulary for a patient. The clinical
14 pharmacist practitioner shall document and notify the patient's physician of
15 any substitutions made.

16 (6) Supervising physicians may add other advanced practice providers that they
17 supervise to their collaborative practice agreement with a clinical pharmacist
18 practitioner. The evaluation and supervision of the clinical pharmacist
19 practitioner shall remain with the supervising physician.

20 (f) The health care setting location for the provision of health care services by the clinical
21 pharmacist practitioner may be fully or partially embedded for a site-specific practice. The setting
22 location shall be determined by the supervising physician and included in the site-specific
23 collaborative practice agreement."

24 **SECTION 1.(c)** G.S. 90-85.3(b2) reads as rewritten:

25 "(b2) "Clinical pharmacist practitioner" means a licensed pharmacist who meets the
26 guidelines and criteria for such title established by the joint subcommittee of the North Carolina
27 Medical Board and the North Carolina Board of Pharmacy and is authorized to ~~enter into~~ perform
28 medical acts, tasks, and functions for drug therapy—therapy, disease, or population health
29 management agreements with physicians in accordance with the provisions of G.S. 90-18.4."

30 **SECTION 2.(a)** Part 7 of Article 50 of Chapter 58 of the General Statutes is amended
31 by adding a new section to read:

32 **"§ 58-50-296. Reimbursement and coverage of services provided by pharmacists.**

33 (a) For the purposes of this section, the following definitions apply:

34 (1) Health care services. – Any of the following health or medical procedures or
35 services rendered by a health care provider:

36 a. Testing, diagnosis, or treatment of a health condition, illness, injury,
37 or disease. This includes testing, diagnosis, or treatment rendered by a
38 pharmacist acting within the pharmacist's scope of practice.

39 b. Dispensing of drugs, medical devices, medical appliances, or medical
40 goods for the treatment of a health condition, illness, injury, or disease.

41 c. Administration of a vaccine or medication.

42 (2) Pharmacist. – An individual licensed to practice pharmacy under Article 4A
43 of Chapter 90 of the General Statutes.

44 (b) Health benefit plans offered by insurers in this State shall reimburse a pharmacist at
45 the same rate that other advanced practice or mid-level health care providers, such as nurse
46 practitioners or physician assistants, are reimbursed when providing the same or equivalent
47 health care services or procedures if all of the following are met:

48 (1) The service or procedure was performed within the pharmacist's licensed
49 lawful scope of practice.

50 (2) The health benefit plan would have provided reimbursement if the service or
51 procedure had been performed by another health care provider.

1 (3) The pharmacist provided the service or procedure in compliance with any
2 requirements of the insurer related to the service or procedure.

3 (c) Insurers offering a health benefit plan in this State that delegate credentialing
4 agreements to contracted health care facilities shall accept credentialing for pharmacists
5 employed or contracted with those facilities.

6 (d) Insurers offering a health benefit plan in this State shall reimburse a contracted health
7 care facility or a contracted pharmacist directly for covered services performed by a pharmacist
8 within that pharmacist's lawful scope of practice whether or not the pharmacist is a participating
9 provider in the insurer's provider network.

10 (e) The participation of a pharmacy in a drug benefit provider network of an insurer
11 offering a health benefit plan in this State shall not satisfy any requirement that insurers offering
12 health benefit plans include pharmacists in medical benefit provider networks.

13 (f) This section shall also apply to the following:

14 (1) Agents of an insurer offering a health benefit plan in this State.

15 (2) Third-party administrators, as defined under G.S. 58-56-2."

16 **SECTION 2.(b)** This section becomes effective October 1, 2023, and applies to
17 contracts entered into, renewed, or amended on or after that date.

18 **SECTION 3.(a)** The North Carolina Medical Board and the North Carolina Board
19 of Pharmacy shall adopt temporary rules to implement the provisions of this act.

20 **SECTION 3.(b)** This section is effective when it becomes law.

21 **SECTION 4.** Except as otherwise provided, this act becomes effective October 1,
22 2023.