

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2117

By: Swope

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6 AS INTRODUCED

7 An Act relating to pharmacy practice agreements;
8 defining terms; providing what health care services
9 pharmacists can provide; providing requirements for
10 health plans and pharmacists; establishing
11 requirements for pharmacist; establishing
12 requirements related to a collaborative agreement;
13 requiring process for patient medical records;
14 provided that employer-employee relationship not
15 created; allowing pharmacists to prescribe
16 contraceptives; providing exception; requiring
17 promulgation of rules; providing for codification;
18 and providing an effective date.

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25 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

26 SECTION 1. NEW LAW A new section of law to be codified
27 in the Oklahoma Statutes as Section 355.20 of Title 59, unless there
28 is created a duplication in numbering, reads as follows:

29 As used in this act:

30 1. "Collaborative pharmacy practice agreement" means:

31 a. a written and signed agreement entered into

32 voluntarily between one or more pharmacists licensed

1 pursuant to this act and one or more physicians or
2 advanced practice nurses licensed in this state, whose
3 statement grants authority to the pharmacist to
4 provide evidence-based health care services to one or
5 more patients pursuant to a specific treatment
6 protocol delegated to a pharmacist by the physician or
7 advanced practice nurse, or

8 b. a statewide drug therapy protocol developed by the
9 Oklahoma State Board of Pharmacy, the Oklahoma State
10 Medical Board and the Oklahoma Board of Nursing in
11 collaboration with the Oklahoma State Department of
12 Health.

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 355.21 of Title 59, unless there
15 is created a duplication in numbering, reads as follows:

16 1. Any health benefit plan, except supplemental policies
17 covering a specified disease or other limited benefit, that provides
18 hospital, surgical, or medical expense insurance may provide
19 coverage for health care services under a specific treatment
20 protocol provided by a pharmacist if:

21 a. the pharmacist meets the requirements in Section 3 of
22 this act,

- b. the health benefit plan provides coverage for the same service provided by a licensed physician or an advanced practice nurse,
- c. the pharmacist is included in the health benefit plan's network of participating providers, and
- d. a reimbursement rate has been successfully negotiated in good faith between the pharmacist and the health plan.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 355.22 of Title 59, unless there is created a duplication in numbering, reads as follows:

1. A pharmacist may enter into a collaborative pharmacy practice agreement with one or more physicians if:
 - a. the pharmacist holds a current license to practice in Oklahoma,
 - b. the pharmacist is engaged in the practice of pharmacy,
 - c. the pharmacist has earned a doctorate of pharmacy degree or completed at least five years of experience as a licensed pharmacist,
 - d. the pharmacist carries adequate professional liability insurance as determined by the Oklahoma State Board of Pharmacy,
 - e. the pharmacist agrees to devote a portion of his or her practice to collaborative pharmacy practice, and

1 f. there is a process in place for the physician or
2 advanced practice nurse and the pharmacist to
3 communicate and document changes to the patient's
4 medical record.

5 2. Unless a statewide protocol is in place, a pharmacist may
6 not enter into a collaborative pharmacy practice agreement with a
7 physician or advanced practice nurse if the physician or advanced
8 practice nurse does not have an established relationship with the
9 patient who will be served by the pharmacist under the collaborative
10 pharmacy practice agreement.

11 3. For a pharmacist to provide health care services under a
12 statewide protocol, a process shall be in place for the pharmacist
13 to communicate with a patient's medical record. If the patient does
14 not have a primary care provider, or is unable to provide contact
15 information for his or her primary care provider, the pharmacist
16 shall provide the patient with a written record of the drugs or
17 devices furnished and advise the patient to consult an appropriate
18 health care professional of the patient's choice.

19 4. A collaborative practice agreement between a physician and a
20 pharmacist, as permitted by this act, does not change the employment
21 status of any party to the agreement, does not create an employer-
22 employee relationship under any circumstance, and may not be used to
23 confer upon or deny to any person the status of a public employee.

1 5. A pharmacist or pharmacy shall not employ a physician or
2 advanced practice nurse for the sole purpose of forming a
3 collaborative practice agreement.

4 6. All contraceptives may be prescribed by a pharmacist, that
5 is in a collaborative pharmacy practice agreement with a physician
6 or advance practice nurse, with the exception of intrauterine
7 devices and any other form of contraceptive that must be implanted.

8 SECTION 4. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 355.23 of Title 59, unless there
10 is created a duplication in numbering, reads as follows:

11 The Oklahoma State Board of Pharmacy, in conjunction with the
12 Oklahoma State Medical Board, and the Oklahoma Board of Nursing
13 shall promulgate rules to implement this act. The rules shall
14 include the health care services and any statewide protocols that
15 are authorized to be part of the collaborative pharmacy practice
16 agreements.

17 SECTION 5. This act shall become effective November 1, 2023.

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