

HB5890



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5890

Introduced 2/10/2010, by Rep. Sandra M. Pihos

SYNOPSIS AS INTRODUCED:

225 ILCS 85/3

Amends the Pharmacy Practice Act. In the definition of "prescription", provides that an order may contain, at the discretion of the individual issuing the order, information on the indicated use of the drug or device as approved by the United States Food and Drug Administration (FDA). Effective immediately.

LRB096 18739 ASK 34124 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Pharmacy Practice Act is amended by changing
5 Section 3 as follows:

6 (225 ILCS 85/3)

7 (Text of Section before amendment by P.A. 96-339)

8 (Section scheduled to be repealed on January 1, 2018)

9 Sec. 3. Definitions. For the purpose of this Act, except
10 where otherwise limited therein:

11 (a) "Pharmacy" or "drugstore" means and includes every
12 store, shop, pharmacy department, or other place where
13 pharmacist care is provided by a pharmacist (1) where drugs,
14 medicines, or poisons are dispensed, sold or offered for sale
15 at retail, or displayed for sale at retail; or (2) where
16 prescriptions of physicians, dentists, advanced practice
17 nurses, physician assistants, veterinarians, podiatrists, or
18 optometrists, within the limits of their licenses, are
19 compounded, filled, or dispensed; or (3) which has upon it or
20 displayed within it, or affixed to or used in connection with
21 it, a sign bearing the word or words "Pharmacist", "Druggist",
22 "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore",
23 "Medicine Store", "Prescriptions", "Drugs", "Dispensary",

1 "Medicines", or any word or words of similar or like import,
2 either in the English language or any other language; or (4)
3 where the characteristic prescription sign (Rx) or similar
4 design is exhibited; or (5) any store, or shop, or other place
5 with respect to which any of the above words, objects, signs or
6 designs are used in any advertisement.

7 (b) "Drugs" means and includes (1) articles recognized in
8 the official United States Pharmacopoeia/National Formulary
9 (USP/NF), or any supplement thereto and being intended for and
10 having for their main use the diagnosis, cure, mitigation,
11 treatment or prevention of disease in man or other animals, as
12 approved by the United States Food and Drug Administration, but
13 does not include devices or their components, parts, or
14 accessories; and (2) all other articles intended for and having
15 for their main use the diagnosis, cure, mitigation, treatment
16 or prevention of disease in man or other animals, as approved
17 by the United States Food and Drug Administration, but does not
18 include devices or their components, parts, or accessories; and
19 (3) articles (other than food) having for their main use and
20 intended to affect the structure or any function of the body of
21 man or other animals; and (4) articles having for their main
22 use and intended for use as a component or any articles
23 specified in clause (1), (2) or (3); but does not include
24 devices or their components, parts or accessories.

25 (c) "Medicines" means and includes all drugs intended for
26 human or veterinary use approved by the United States Food and

1 Drug Administration.

2 (d) "Practice of pharmacy" means (1) the interpretation and
3 the provision of assistance in the monitoring, evaluation, and
4 implementation of prescription drug orders; (2) the dispensing
5 of prescription drug orders; (3) participation in drug and
6 device selection; (4) drug administration limited to the
7 administration of oral, topical, injectable, and inhalation as
8 follows: in the context of patient education on the proper use
9 or delivery of medications; vaccination of patients 14 years of
10 age and older pursuant to a valid prescription or standing
11 order, by a physician licensed to practice medicine in all its
12 branches, upon completion of appropriate training, including
13 how to address contraindications and adverse reactions set
14 forth by rule, with notification to the patient's physician and
15 appropriate record retention, or pursuant to hospital pharmacy
16 and therapeutics committee policies and procedures; (5) drug
17 regimen review; (6) drug or drug-related research; (7) the
18 provision of patient counseling; (8) the practice of
19 telepharmacy; (9) the provision of those acts or services
20 necessary to provide pharmacist care; (10) medication therapy
21 management; and (11) the responsibility for compounding and
22 labeling of drugs and devices (except labeling by a
23 manufacturer, repackager, or distributor of non-prescription
24 drugs and commercially packaged legend drugs and devices),
25 proper and safe storage of drugs and devices, and maintenance
26 of required records. A pharmacist who performs any of the acts

1 defined as the practice of pharmacy in this State must be
2 actively licensed as a pharmacist under this Act.

3 (e) "Prescription" means and includes any written, oral,
4 facsimile, or electronically transmitted order for drugs or
5 medical devices, issued by a physician licensed to practice
6 medicine in all its branches, dentist, veterinarian, or
7 podiatrist, or optometrist, within the limits of their
8 licenses, by a physician assistant in accordance with
9 subsection (f) of Section 4, or by an advanced practice nurse
10 in accordance with subsection (g) of Section 4, containing the
11 following: (1) name of the patient; (2) date when prescription
12 was issued; (3) name and strength of drug or description of the
13 medical device prescribed; ~~and~~ (4) quantity; τ (5) directions
14 for use; τ (6) prescriber's name, address and signature; ~~τ~~ and
15 (7) DEA number where required, for controlled substances; and
16 (8), at the discretion of the individual issuing the order, the
17 indicated use of the drug or device as approved by the United
18 States Food and Drug Administration (FDA). DEA numbers shall
19 not be required on inpatient drug orders.

20 (f) "Person" means and includes a natural person,
21 copartnership, association, corporation, government entity, or
22 any other legal entity.

23 (g) "Department" means the Department of Financial and
24 Professional Regulation.

25 (h) "Board of Pharmacy" or "Board" means the State Board of
26 Pharmacy of the Department of Financial and Professional

1 Regulation.

2 (i) "Secretary" means the Secretary of Financial and
3 Professional Regulation.

4 (j) "Drug product selection" means the interchange for a
5 prescribed pharmaceutical product in accordance with Section
6 25 of this Act and Section 3.14 of the Illinois Food, Drug and
7 Cosmetic Act.

8 (k) "Inpatient drug order" means an order issued by an
9 authorized prescriber for a resident or patient of a facility
10 licensed under the Nursing Home Care Act or the Hospital
11 Licensing Act, or "An Act in relation to the founding and
12 operation of the University of Illinois Hospital and the
13 conduct of University of Illinois health care programs",
14 approved July 3, 1931, as amended, or a facility which is
15 operated by the Department of Human Services (as successor to
16 the Department of Mental Health and Developmental
17 Disabilities) or the Department of Corrections.

18 (k-5) "Pharmacist" means an individual health care
19 professional and provider currently licensed by this State to
20 engage in the practice of pharmacy.

21 (l) "Pharmacist in charge" means the licensed pharmacist
22 whose name appears on a pharmacy license and who is responsible
23 for all aspects of the operation related to the practice of
24 pharmacy.

25 (m) "Dispense" or "dispensing" means the interpretation,
26 evaluation, and implementation of a prescription drug order,

1 including the preparation and delivery of a drug or device to a
2 patient or patient's agent in a suitable container
3 appropriately labeled for subsequent administration to or use
4 by a patient in accordance with applicable State and federal
5 laws and regulations. "Dispense" or "dispensing" does not mean
6 the physical delivery to a patient or a patient's
7 representative in a home or institution by a designee of a
8 pharmacist or by common carrier. "Dispense" or "dispensing"
9 also does not mean the physical delivery of a drug or medical
10 device to a patient or patient's representative by a
11 pharmacist's designee within a pharmacy or drugstore while the
12 pharmacist is on duty and the pharmacy is open.

13 (n) "Nonresident pharmacy" means a pharmacy that is located
14 in a state, commonwealth, or territory of the United States,
15 other than Illinois, that delivers, dispenses, or distributes,
16 through the United States Postal Service, commercially
17 acceptable parcel delivery service, or other common carrier, to
18 Illinois residents, any substance which requires a
19 prescription.

20 (o) "Compounding" means the preparation and mixing of
21 components, excluding flavorings, (1) as the result of a
22 prescriber's prescription drug order or initiative based on the
23 prescriber-patient-pharmacist relationship in the course of
24 professional practice or (2) for the purpose of, or incident
25 to, research, teaching, or chemical analysis and not for sale
26 or dispensing. "Compounding" includes the preparation of drugs

1 or devices in anticipation of receiving prescription drug
2 orders based on routine, regularly observed dispensing
3 patterns. Commercially available products may be compounded
4 for dispensing to individual patients only if all of the
5 following conditions are met: (i) the commercial product is not
6 reasonably available from normal distribution channels in a
7 timely manner to meet the patient's needs and (ii) the
8 prescribing practitioner has requested that the drug be
9 compounded.

10 (p) (Blank).

11 (q) (Blank).

12 (r) "Patient counseling" means the communication between a
13 pharmacist or a student pharmacist under the supervision of a
14 pharmacist and a patient or the patient's representative about
15 the patient's medication or device for the purpose of
16 optimizing proper use of prescription medications or devices.
17 "Patient counseling" may include without limitation (1)
18 obtaining a medication history; (2) acquiring a patient's
19 allergies and health conditions; (3) facilitation of the
20 patient's understanding of the intended use of the medication;
21 (4) proper directions for use; (5) significant potential
22 adverse events; (6) potential food-drug interactions; and (7)
23 the need to be compliant with the medication therapy. A
24 pharmacy technician may only participate in the following
25 aspects of patient counseling under the supervision of a
26 pharmacist: (1) obtaining medication history; (2) providing

1 the offer for counseling by a pharmacist or student pharmacist;
2 and (3) acquiring a patient's allergies and health conditions.

3 (s) "Patient profiles" or "patient drug therapy record"
4 means the obtaining, recording, and maintenance of patient
5 prescription information, including prescriptions for
6 controlled substances, and personal information.

7 (t) (Blank).

8 (u) "Medical device" means an instrument, apparatus,
9 implement, machine, contrivance, implant, in vitro reagent, or
10 other similar or related article, including any component part
11 or accessory, required under federal law to bear the label
12 "Caution: Federal law requires dispensing by or on the order of
13 a physician". A seller of goods and services who, only for the
14 purpose of retail sales, compounds, sells, rents, or leases
15 medical devices shall not, by reasons thereof, be required to
16 be a licensed pharmacy.

17 (v) "Unique identifier" means an electronic signature,
18 handwritten signature or initials, thumb print, or other
19 acceptable biometric or electronic identification process as
20 approved by the Department.

21 (w) "Current usual and customary retail price" means the
22 price that a pharmacy charges to a non-third-party payor.

23 (x) "Automated pharmacy system" means a mechanical system
24 located within the confines of the pharmacy or remote location
25 that performs operations or activities, other than compounding
26 or administration, relative to storage, packaging, dispensing,

1 or distribution of medication, and which collects, controls,
2 and maintains all transaction information.

3 (y) "Drug regimen review" means and includes the evaluation
4 of prescription drug orders and patient records for (1) known
5 allergies; (2) drug or potential therapy contraindications;
6 (3) reasonable dose, duration of use, and route of
7 administration, taking into consideration factors such as age,
8 gender, and contraindications; (4) reasonable directions for
9 use; (5) potential or actual adverse drug reactions; (6)
10 drug-drug interactions; (7) drug-food interactions; (8)
11 drug-disease contraindications; (9) therapeutic duplication;
12 (10) patient laboratory values when authorized and available;
13 (11) proper utilization (including over or under utilization)
14 and optimum therapeutic outcomes; and (12) abuse and misuse.

15 (z) "Electronic transmission prescription" means any
16 prescription order for which a facsimile or electronic image of
17 the order is electronically transmitted from a licensed
18 prescriber to a pharmacy. "Electronic transmission
19 prescription" includes both data and image prescriptions.

20 (aa) "Medication therapy management services" means a
21 distinct service or group of services offered by licensed
22 pharmacists, physicians licensed to practice medicine in all
23 its branches, advanced practice nurses authorized in a written
24 agreement with a physician licensed to practice medicine in all
25 its branches, or physician assistants authorized in guidelines
26 by a supervising physician that optimize therapeutic outcomes

1 for individual patients through improved medication use. In a
2 retail or other non-hospital pharmacy, medication therapy
3 management services shall consist of the evaluation of
4 prescription drug orders and patient medication records to
5 resolve conflicts with the following:

6 (1) known allergies;

7 (2) drug or potential therapy contraindications;

8 (3) reasonable dose, duration of use, and route of
9 administration, taking into consideration factors such as
10 age, gender, and contraindications;

11 (4) reasonable directions for use;

12 (5) potential or actual adverse drug reactions;

13 (6) drug-drug interactions;

14 (7) drug-food interactions;

15 (8) drug-disease contraindications;

16 (9) identification of therapeutic duplication;

17 (10) patient laboratory values when authorized and
18 available;

19 (11) proper utilization (including over or under
20 utilization) and optimum therapeutic outcomes; and

21 (12) drug abuse and misuse.

22 "Medication therapy management services" includes the
23 following:

24 (1) documenting the services delivered and
25 communicating the information provided to patients'
26 prescribers within an appropriate time frame, not to exceed

1 48 hours;

2 (2) providing patient counseling designed to enhance a
3 patient's understanding and the appropriate use of his or
4 her medications; and

5 (3) providing information, support services, and
6 resources designed to enhance a patient's adherence with
7 his or her prescribed therapeutic regimens.

8 "Medication therapy management services" may also include
9 patient care functions authorized by a physician licensed to
10 practice medicine in all its branches for his or her identified
11 patient or groups of patients under specified conditions or
12 limitations in a standing order from the physician.

13 "Medication therapy management services" in a licensed
14 hospital may also include the following:

15 (1) reviewing assessments of the patient's health
16 status; and

17 (2) following protocols of a hospital pharmacy and
18 therapeutics committee with respect to the fulfillment of
19 medication orders.

20 (bb) "Pharmacist care" means the provision by a pharmacist
21 of medication therapy management services, with or without the
22 dispensing of drugs or devices, intended to achieve outcomes
23 that improve patient health, quality of life, and comfort and
24 enhance patient safety.

25 (cc) "Protected health information" means individually
26 identifiable health information that, except as otherwise

1 provided, is:

2 (1) transmitted by electronic media;

3 (2) maintained in any medium set forth in the
4 definition of "electronic media" in the federal Health
5 Insurance Portability and Accountability Act; or

6 (3) transmitted or maintained in any other form or
7 medium.

8 "Protected health information" does not include individually
9 identifiable health information found in:

10 (1) education records covered by the federal Family
11 Educational Right and Privacy Act; or

12 (2) employment records held by a licensee in its role
13 as an employer.

14 (dd) "Standing order" means a specific order for a patient
15 or group of patients issued by a physician licensed to practice
16 medicine in all its branches in Illinois.

17 (ee) "Address of record" means the address recorded by the
18 Department in the applicant's or licensee's application file or
19 license file, as maintained by the Department's licensure
20 maintenance unit.

21 (ff) "Home pharmacy" means the location of a pharmacy's
22 primary operations.

23 (Source: P.A. 95-689, eff. 10-29-07; 96-673, eff. 1-1-10.)

24 (Text of Section after amendment by P.A. 96-339)

25 (Section scheduled to be repealed on January 1, 2018)

1 Sec. 3. Definitions. For the purpose of this Act, except
2 where otherwise limited therein:

3 (a) "Pharmacy" or "drugstore" means and includes every
4 store, shop, pharmacy department, or other place where
5 pharmacist care is provided by a pharmacist (1) where drugs,
6 medicines, or poisons are dispensed, sold or offered for sale
7 at retail, or displayed for sale at retail; or (2) where
8 prescriptions of physicians, dentists, advanced practice
9 nurses, physician assistants, veterinarians, podiatrists, or
10 optometrists, within the limits of their licenses, are
11 compounded, filled, or dispensed; or (3) which has upon it or
12 displayed within it, or affixed to or used in connection with
13 it, a sign bearing the word or words "Pharmacist", "Druggist",
14 "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore",
15 "Medicine Store", "Prescriptions", "Drugs", "Dispensary",
16 "Medicines", or any word or words of similar or like import,
17 either in the English language or any other language; or (4)
18 where the characteristic prescription sign (Rx) or similar
19 design is exhibited; or (5) any store, or shop, or other place
20 with respect to which any of the above words, objects, signs or
21 designs are used in any advertisement.

22 (b) "Drugs" means and includes (1) articles recognized in
23 the official United States Pharmacopoeia/National Formulary
24 (USP/NF), or any supplement thereto and being intended for and
25 having for their main use the diagnosis, cure, mitigation,
26 treatment or prevention of disease in man or other animals, as

1 approved by the United States Food and Drug Administration, but
2 does not include devices or their components, parts, or
3 accessories; and (2) all other articles intended for and having
4 for their main use the diagnosis, cure, mitigation, treatment
5 or prevention of disease in man or other animals, as approved
6 by the United States Food and Drug Administration, but does not
7 include devices or their components, parts, or accessories; and
8 (3) articles (other than food) having for their main use and
9 intended to affect the structure or any function of the body of
10 man or other animals; and (4) articles having for their main
11 use and intended for use as a component or any articles
12 specified in clause (1), (2) or (3); but does not include
13 devices or their components, parts or accessories.

14 (c) "Medicines" means and includes all drugs intended for
15 human or veterinary use approved by the United States Food and
16 Drug Administration.

17 (d) "Practice of pharmacy" means (1) the interpretation and
18 the provision of assistance in the monitoring, evaluation, and
19 implementation of prescription drug orders; (2) the dispensing
20 of prescription drug orders; (3) participation in drug and
21 device selection; (4) drug administration limited to the
22 administration of oral, topical, injectable, and inhalation as
23 follows: in the context of patient education on the proper use
24 or delivery of medications; vaccination of patients 14 years of
25 age and older pursuant to a valid prescription or standing
26 order, by a physician licensed to practice medicine in all its

1 branches, upon completion of appropriate training, including
2 how to address contraindications and adverse reactions set
3 forth by rule, with notification to the patient's physician and
4 appropriate record retention, or pursuant to hospital pharmacy
5 and therapeutics committee policies and procedures; (5) drug
6 regimen review; (6) drug or drug-related research; (7) the
7 provision of patient counseling; (8) the practice of
8 telepharmacy; (9) the provision of those acts or services
9 necessary to provide pharmacist care; (10) medication therapy
10 management; and (11) the responsibility for compounding and
11 labeling of drugs and devices (except labeling by a
12 manufacturer, repackager, or distributor of non-prescription
13 drugs and commercially packaged legend drugs and devices),
14 proper and safe storage of drugs and devices, and maintenance
15 of required records. A pharmacist who performs any of the acts
16 defined as the practice of pharmacy in this State must be
17 actively licensed as a pharmacist under this Act.

18 (e) "Prescription" means and includes any written, oral,
19 facsimile, or electronically transmitted order for drugs or
20 medical devices, issued by a physician licensed to practice
21 medicine in all its branches, dentist, veterinarian, or
22 podiatrist, or optometrist, within the limits of their
23 licenses, by a physician assistant in accordance with
24 subsection (f) of Section 4, or by an advanced practice nurse
25 in accordance with subsection (g) of Section 4, containing the
26 following: (1) name of the patient; (2) date when prescription

1 was issued; (3) name and strength of drug or description of the
2 medical device prescribed; and (4) quantity, (5) directions for
3 use, (6) prescriber's name, address and signature, ~~and~~ (7) DEA
4 number where required, for controlled substances. DEA numbers
5 shall not be required on inpatient drug orders, and (8), at the
6 discretion of the individual issuing the order, the indicated
7 use of the drug or device as approved by the United States Food
8 and Drug Administration (FDA).

9 (f) "Person" means and includes a natural person,
10 copartnership, association, corporation, government entity, or
11 any other legal entity.

12 (g) "Department" means the Department of Financial and
13 Professional Regulation.

14 (h) "Board of Pharmacy" or "Board" means the State Board of
15 Pharmacy of the Department of Financial and Professional
16 Regulation.

17 (i) "Secretary" means the Secretary of Financial and
18 Professional Regulation.

19 (j) "Drug product selection" means the interchange for a
20 prescribed pharmaceutical product in accordance with Section
21 25 of this Act and Section 3.14 of the Illinois Food, Drug and
22 Cosmetic Act.

23 (k) "Inpatient drug order" means an order issued by an
24 authorized prescriber for a resident or patient of a facility
25 licensed under the Nursing Home Care Act, the MR/DD Community
26 Care Act, or the Hospital Licensing Act, or "An Act in relation

1 to the founding and operation of the University of Illinois
2 Hospital and the conduct of University of Illinois health care
3 programs", approved July 3, 1931, as amended, or a facility
4 which is operated by the Department of Human Services (as
5 successor to the Department of Mental Health and Developmental
6 Disabilities) or the Department of Corrections.

7 (k-5) "Pharmacist" means an individual health care
8 professional and provider currently licensed by this State to
9 engage in the practice of pharmacy.

10 (l) "Pharmacist in charge" means the licensed pharmacist
11 whose name appears on a pharmacy license and who is responsible
12 for all aspects of the operation related to the practice of
13 pharmacy.

14 (m) "Dispense" or "dispensing" means the interpretation,
15 evaluation, and implementation of a prescription drug order,
16 including the preparation and delivery of a drug or device to a
17 patient or patient's agent in a suitable container
18 appropriately labeled for subsequent administration to or use
19 by a patient in accordance with applicable State and federal
20 laws and regulations. "Dispense" or "dispensing" does not mean
21 the physical delivery to a patient or a patient's
22 representative in a home or institution by a designee of a
23 pharmacist or by common carrier. "Dispense" or "dispensing"
24 also does not mean the physical delivery of a drug or medical
25 device to a patient or patient's representative by a
26 pharmacist's designee within a pharmacy or drugstore while the

1 pharmacist is on duty and the pharmacy is open.

2 (n) "Nonresident pharmacy" means a pharmacy that is located
3 in a state, commonwealth, or territory of the United States,
4 other than Illinois, that delivers, dispenses, or distributes,
5 through the United States Postal Service, commercially
6 acceptable parcel delivery service, or other common carrier, to
7 Illinois residents, any substance which requires a
8 prescription.

9 (o) "Compounding" means the preparation and mixing of
10 components, excluding flavorings, (1) as the result of a
11 prescriber's prescription drug order or initiative based on the
12 prescriber-patient-pharmacist relationship in the course of
13 professional practice or (2) for the purpose of, or incident
14 to, research, teaching, or chemical analysis and not for sale
15 or dispensing. "Compounding" includes the preparation of drugs
16 or devices in anticipation of receiving prescription drug
17 orders based on routine, regularly observed dispensing
18 patterns. Commercially available products may be compounded
19 for dispensing to individual patients only if all of the
20 following conditions are met: (i) the commercial product is not
21 reasonably available from normal distribution channels in a
22 timely manner to meet the patient's needs and (ii) the
23 prescribing practitioner has requested that the drug be
24 compounded.

25 (p) (Blank).

26 (q) (Blank).

1 (r) "Patient counseling" means the communication between a
2 pharmacist or a student pharmacist under the supervision of a
3 pharmacist and a patient or the patient's representative about
4 the patient's medication or device for the purpose of
5 optimizing proper use of prescription medications or devices.
6 "Patient counseling" may include without limitation (1)
7 obtaining a medication history; (2) acquiring a patient's
8 allergies and health conditions; (3) facilitation of the
9 patient's understanding of the intended use of the medication;
10 (4) proper directions for use; (5) significant potential
11 adverse events; (6) potential food-drug interactions; and (7)
12 the need to be compliant with the medication therapy. A
13 pharmacy technician may only participate in the following
14 aspects of patient counseling under the supervision of a
15 pharmacist: (1) obtaining medication history; (2) providing
16 the offer for counseling by a pharmacist or student pharmacist;
17 and (3) acquiring a patient's allergies and health conditions.

18 (s) "Patient profiles" or "patient drug therapy record"
19 means the obtaining, recording, and maintenance of patient
20 prescription information, including prescriptions for
21 controlled substances, and personal information.

22 (t) (Blank).

23 (u) "Medical device" means an instrument, apparatus,
24 implement, machine, contrivance, implant, in vitro reagent, or
25 other similar or related article, including any component part
26 or accessory, required under federal law to bear the label

1 "Caution: Federal law requires dispensing by or on the order of
2 a physician". A seller of goods and services who, only for the
3 purpose of retail sales, compounds, sells, rents, or leases
4 medical devices shall not, by reasons thereof, be required to
5 be a licensed pharmacy.

6 (v) "Unique identifier" means an electronic signature,
7 handwritten signature or initials, thumb print, or other
8 acceptable biometric or electronic identification process as
9 approved by the Department.

10 (w) "Current usual and customary retail price" means the
11 price that a pharmacy charges to a non-third-party payor.

12 (x) "Automated pharmacy system" means a mechanical system
13 located within the confines of the pharmacy or remote location
14 that performs operations or activities, other than compounding
15 or administration, relative to storage, packaging, dispensing,
16 or distribution of medication, and which collects, controls,
17 and maintains all transaction information.

18 (y) "Drug regimen review" means and includes the evaluation
19 of prescription drug orders and patient records for (1) known
20 allergies; (2) drug or potential therapy contraindications;
21 (3) reasonable dose, duration of use, and route of
22 administration, taking into consideration factors such as age,
23 gender, and contraindications; (4) reasonable directions for
24 use; (5) potential or actual adverse drug reactions; (6)
25 drug-drug interactions; (7) drug-food interactions; (8)
26 drug-disease contraindications; (9) therapeutic duplication;

1 (10) patient laboratory values when authorized and available;
2 (11) proper utilization (including over or under utilization)
3 and optimum therapeutic outcomes; and (12) abuse and misuse.

4 (z) "Electronic transmission prescription" means any
5 prescription order for which a facsimile or electronic image of
6 the order is electronically transmitted from a licensed
7 prescriber to a pharmacy. "Electronic transmission
8 prescription" includes both data and image prescriptions.

9 (aa) "Medication therapy management services" means a
10 distinct service or group of services offered by licensed
11 pharmacists, physicians licensed to practice medicine in all
12 its branches, advanced practice nurses authorized in a written
13 agreement with a physician licensed to practice medicine in all
14 its branches, or physician assistants authorized in guidelines
15 by a supervising physician that optimize therapeutic outcomes
16 for individual patients through improved medication use. In a
17 retail or other non-hospital pharmacy, medication therapy
18 management services shall consist of the evaluation of
19 prescription drug orders and patient medication records to
20 resolve conflicts with the following:

21 (1) known allergies;

22 (2) drug or potential therapy contraindications;

23 (3) reasonable dose, duration of use, and route of
24 administration, taking into consideration factors such as
25 age, gender, and contraindications;

26 (4) reasonable directions for use;

- 1 (5) potential or actual adverse drug reactions;
- 2 (6) drug-drug interactions;
- 3 (7) drug-food interactions;
- 4 (8) drug-disease contraindications;
- 5 (9) identification of therapeutic duplication;
- 6 (10) patient laboratory values when authorized and
- 7 available;
- 8 (11) proper utilization (including over or under
- 9 utilization) and optimum therapeutic outcomes; and
- 10 (12) drug abuse and misuse.

11 "Medication therapy management services" includes the
12 following:

- 13 (1) documenting the services delivered and
- 14 communicating the information provided to patients'
- 15 prescribers within an appropriate time frame, not to exceed
- 16 48 hours;
- 17 (2) providing patient counseling designed to enhance a
- 18 patient's understanding and the appropriate use of his or
- 19 her medications; and
- 20 (3) providing information, support services, and
- 21 resources designed to enhance a patient's adherence with
- 22 his or her prescribed therapeutic regimens.

23 "Medication therapy management services" may also include
24 patient care functions authorized by a physician licensed to
25 practice medicine in all its branches for his or her identified
26 patient or groups of patients under specified conditions or

1 limitations in a standing order from the physician.

2 "Medication therapy management services" in a licensed
3 hospital may also include the following:

4 (1) reviewing assessments of the patient's health
5 status; and

6 (2) following protocols of a hospital pharmacy and
7 therapeutics committee with respect to the fulfillment of
8 medication orders.

9 (bb) "Pharmacist care" means the provision by a pharmacist
10 of medication therapy management services, with or without the
11 dispensing of drugs or devices, intended to achieve outcomes
12 that improve patient health, quality of life, and comfort and
13 enhance patient safety.

14 (cc) "Protected health information" means individually
15 identifiable health information that, except as otherwise
16 provided, is:

17 (1) transmitted by electronic media;

18 (2) maintained in any medium set forth in the
19 definition of "electronic media" in the federal Health
20 Insurance Portability and Accountability Act; or

21 (3) transmitted or maintained in any other form or
22 medium.

23 "Protected health information" does not include individually
24 identifiable health information found in:

25 (1) education records covered by the federal Family
26 Educational Right and Privacy Act; or

1 (2) employment records held by a licensee in its role
2 as an employer.

3 (dd) "Standing order" means a specific order for a patient
4 or group of patients issued by a physician licensed to practice
5 medicine in all its branches in Illinois.

6 (ee) "Address of record" means the address recorded by the
7 Department in the applicant's or licensee's application file or
8 license file, as maintained by the Department's licensure
9 maintenance unit.

10 (ff) "Home pharmacy" means the location of a pharmacy's
11 primary operations.

12 (Source: P.A. 95-689, eff. 10-29-07; 96-339, eff. 7-1-10;
13 96-673, eff. 1-1-10; revised 10-1-09.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.