

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 590 be amended to read as follows:

- 1 Page 12, between lines 1 and 2, begin a new paragraph and insert:
- 2 "SECTION 14. IC 25-26-13-4 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board may:
- 4 (1) promulgate rules and regulations under IC 4-22-2 for
- 5 implementing and enforcing this chapter;
- 6 (2) establish requirements and tests to determine the moral,
- 7 physical, intellectual, educational, scientific, technical, and
- 8 professional qualifications for applicants for pharmacists' licenses;
- 9 (3) refuse to issue, deny, suspend, or revoke a license or permit or
- 10 place on probation or fine any licensee or permittee under this
- 11 chapter;
- 12 (4) regulate the sale of drugs and devices in the state of Indiana;
- 13 (5) impound, embargo, confiscate, or otherwise prevent from
- 14 disposition any drugs, medicines, chemicals, poisons, or devices
- 15 which by inspection are deemed unfit for use or would be
- 16 dangerous to the health and welfare of the citizens of the state of
- 17 Indiana; the board shall follow those embargo procedures found
- 18 in IC 16-42-1-18 through IC 16-42-1-31, and persons may not
- 19 refuse to permit or otherwise prevent members of the board or
- 20 their representatives from entering such places and making such
- 21 inspections;
- 22 (6) prescribe minimum standards with respect to physical
- 23 characteristics of pharmacies, as may be necessary to the
- 24 maintenance of professional surroundings and to the protection of
- 25 the safety and welfare of the public;
- 26 (7) subject to IC 25-1-7, investigate complaints, subpoena
- 27 witnesses, schedule and conduct hearings on behalf of the public
- 28 interest on any matter under the jurisdiction of the board;
- 29 (8) prescribe the time, place, method, manner, scope, and subjects
- 30 of licensing examinations which shall be given at least twice
- 31 annually; and
- 32 (9) perform such other duties and functions and exercise such

1 other powers as may be necessary to implement and enforce this
2 chapter.

3 (b) The board shall adopt rules under IC 4-22-2 for the following:

4 (1) Establishing standards for the competent practice of pharmacy.

5 (2) Establishing the standards for a pharmacist to counsel
6 individuals regarding the proper use of drugs.

7 (c) The board may grant or deny a temporary variance to a rule it has
8 adopted if:

9 (1) the board has adopted rules which set forth the procedures and
10 standards governing the grant or denial of a temporary variance;

11 and

12 (2) the board sets forth in writing the reasons for a grant or denial
13 of a temporary variance.

14 **(d) The board, in consultation with the medical licensing board,**
15 **shall adopt rules and procedures concerning the electronic**
16 **transmission of prescriptions. The rules adopted under this**
17 **subsection must address the following:**

18 (1) **Privacy protection for the practitioner and the**
19 **practitioner's patient.**

20 (2) **Security of the electronic transmission.**

21 (3) **Use of a practitioner's United States Drug Enforcement**
22 **Agency registration number.**

23 (4) **Protection of the practitioner from identity theft or**
24 **fraudulent use of the practitioner's prescribing authority."**

25 Renumber all SECTIONS consecutively.

(Reference is to SB 590 as printed February 1, 2005.)

Senator MILLER