

SENATE MOTION

MADAM PRESIDENT:

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

- 1 Page 2, line 22, strike "pharmacist;" and insert "**pharmacist or**
- 2 **pharmacist intern (as defined in IC 25-26-13-2);**"
- 3 Page 5, line 27, strike "pharmacist;" and insert "**pharmacist or**
- 4 **pharmacist intern (as defined in IC 25-26-13-2);**".
- 5 Page 6, line 10, delete "practitioner:" and insert "**practitioner**
- 6 **must:**".
- 7 Page 6, line 11, delete "must".
- 8 Page 6, line 12, delete "may".
- 9 Page 6, line 12, delete "or".
- 10 Page 7, line 10, delete "indicate" and insert "**indicating with the**
- 11 **electronic prescription**".
- 12 Page 7, line 11, delete " permitted electronically." and insert
- 13 "**permitted.**".
- 14 Page 7, line 12, delete "or electronically transmits".
- 15 Page 7, line 13, delete "instructions".
- 16 Page 11, line 26, after "form" delete "," and insert "**or sent by**
- 17 **facsimile,**".
- 18 Page 12, between lines 1 and 2, begin a new paragraph and insert:
- 19 "SECTION 14. IC 25-26-13-4 IS AMENDED TO READ AS
- 20 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board may:
- 21 (1) promulgate rules and regulations under IC 4-22-2 for
- 22 implementing and enforcing this chapter;
- 23 (2) establish requirements and tests to determine the moral,
- 24 physical, intellectual, educational, scientific, technical, and
- 25 professional qualifications for applicants for pharmacists' licenses;
- 26 (3) refuse to issue, deny, suspend, or revoke a license or permit or
- 27 place on probation or fine any licensee or permittee under this
- 28 chapter;
- 29 (4) regulate the sale of drugs and devices in the state of Indiana;
- 30 (5) impound, embargo, confiscate, or otherwise prevent from
- 31 disposition any drugs, medicines, chemicals, poisons, or devices
- 32 which by inspection are deemed unfit for use or would be

1 dangerous to the health and welfare of the citizens of the state of
 2 Indiana; the board shall follow those embargo procedures found
 3 in IC 16-42-1-18 through IC 16-42-1-31, and persons may not
 4 refuse to permit or otherwise prevent members of the board or
 5 their representatives from entering such places and making such
 6 inspections;

7 (6) prescribe minimum standards with respect to physical
 8 characteristics of pharmacies, as may be necessary to the
 9 maintenance of professional surroundings and to the protection of
 10 the safety and welfare of the public;

11 (7) subject to IC 25-1-7, investigate complaints, subpoena
 12 witnesses, schedule and conduct hearings on behalf of the public
 13 interest on any matter under the jurisdiction of the board;

14 (8) prescribe the time, place, method, manner, scope, and subjects
 15 of licensing examinations which shall be given at least twice
 16 annually; and

17 (9) perform such other duties and functions and exercise such
 18 other powers as may be necessary to implement and enforce this
 19 chapter.

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

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

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

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

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

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

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

35 **(1) Privacy protection for the practitioner and the**
 36 **practitioner's patient.**

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

38 **(3) A process for approving electronic data intermediaries for**
 39 **the electronic transmission of prescriptions.**

40 **(4) Use of a practitioner's United States Drug Enforcement**
 41 **Agency registration number.**

42 **(5) Protection of the practitioner from identity theft or**
 43 **fraudulent use of the practitioner's prescribing authority."**

44 Page 12, line 15, delete "intermediary:" and insert "**intermediary**
 45 **that is approved by the board:"**.

46 Page 15, between lines 14 and 15, begin a new paragraph and insert:
 47 "SECTION 16. IC 25-26-13-25.5 IS ADDED TO THE INDIANA
 48 CODE AS A NEW SECTION TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 2005]: **Sec. 25.5. A prescription may be**
2 **transmitted electronically from a practitioner to a pharmacist only**
3 **through the use of an electronic data intermediary approved by the**
4 **board."**

5 Renumber all SECTIONS consecutively.
 (Reference is to SB 590 as printed February 1, 2005.)

Senator RIEGSECKER