

# SENATE MOTION

**MADAM PRESIDENT:**

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

- 1 Page 1, between lines 10 and 11, begin a new paragraph and insert:
- 2 "SECTION 2. IC 16-18-2-106.4 IS ADDED TO THE INDIANA
- 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2005]: **Sec. 106.4. For purposes of**
- 5 **IC 16-42-3, IC 16-42-19, and IC 16-42-22, "electronically**
- 6 **transmitted" or "electronic transmission" means the transmission**
- 7 **of a prescription in electronic form. The term does not include**
- 8 **transmission of a prescription by facsimile."**
- 9 Page 2, line 22, strike "pharmacist;" and insert "**pharmacist or**
- 10 **pharmacist intern (as defined in IC 25-26-13-2);"**.
- 11 Page 5, line 27, strike "pharmacist;" and insert "**pharmacist or**
- 12 **pharmacist intern (as defined in IC 25-26-13-2);"**.
- 13 Page 6, line 10, delete "practitioner:" and insert "**practitioner**
- 14 **must:"**.
- 15 Page 6, line 11, delete "must".
- 16 Page 6, line 12, delete "may".
- 17 Page 6, line 12, delete "or".
- 18 Page 7, line 10, delete "indicate" and insert "**indicating with the**
- 19 **electronic prescription"**.
- 20 Page 7, line 11, delete "permitted electronically." and insert
- 21 "**permitted."**
- 22 Page 7, line 12, delete "or electronically transmits".
- 23 Page 7, line 13, delete "instructions".
- 24 Page 9, line 26, delete "the:" and insert "**a"**".
- 25 Page 9, line 27, delete "(1)".
- 26 Page 9, line 27, delete "information".
- 27 Page 9, line 27, delete "form; or" and insert "**form. The term does**
- 28 **not include the transmission of a prescription by facsimile."**.
- 29 Page 9, run in lines 26 through 27.
- 30 Page 9, delete lines 28 through 29.
- 31 Page 12, between lines 1 and 2, begin a new paragraph and insert:

1 "SECTION 14. IC 25-26-13-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board may:

3 (1) promulgate rules and regulations under IC 4-22-2 for  
4 implementing and enforcing this chapter;

5 (2) establish requirements and tests to determine the moral,  
6 physical, intellectual, educational, scientific, technical, and  
7 professional qualifications for applicants for pharmacists' licenses;

8 (3) refuse to issue, deny, suspend, or revoke a license or permit or  
9 place on probation or fine any licensee or permittee under this  
10 chapter;

11 (4) regulate the sale of drugs and devices in the state of Indiana;

12 (5) impound, embargo, confiscate, or otherwise prevent from  
13 disposition any drugs, medicines, chemicals, poisons, or devices  
14 which by inspection are deemed unfit for use or would be  
15 dangerous to the health and welfare of the citizens of the state of  
16 Indiana; the board shall follow those embargo procedures found  
17 in IC 16-42-1-18 through IC 16-42-1-31, and persons may not  
18 refuse to permit or otherwise prevent members of the board or  
19 their representatives from entering such places and making such  
20 inspections;

21 (6) prescribe minimum standards with respect to physical  
22 characteristics of pharmacies, as may be necessary to the  
23 maintenance of professional surroundings and to the protection of  
24 the safety and welfare of the public;

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

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

31 (9) perform such other duties and functions and exercise such  
32 other powers as may be necessary to implement and enforce this  
33 chapter.

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

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

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

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

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

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

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

- 1           **(1) Privacy protection for the practitioner and the**
- 2           **practitioner's patient.**
- 3           **(2) Security of the electronic transmission.**
- 4           **(3) A process for approving electronic data intermediaries for**
- 5           **the electronic transmission of prescriptions.**
- 6           **(4) Use of a practitioner's United States Drug Enforcement**
- 7           **Agency registration number.**
- 8           **(5) Protection of the practitioner from identity theft or**
- 9           **fraudulent use of the practitioner's prescribing authority."**
- 10          Page 12, line 13, delete "facsimile,".
- 11          Page 12, line 15, delete "intermediary:" and insert "**intermediary**
- 12          **that is approved by the board:"**.
- 13          Page 15, between lines 14 and 15, begin a new paragraph and insert:
- 14          "SECTION 16. IC 25-26-13-25.5 IS ADDED TO THE INDIANA
- 15          CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 16          [EFFECTIVE JULY 1, 2005]: **Sec. 25.5. A prescription may be**
- 17          **transmitted electronically from a practitioner to a pharmacist only**
- 18          **through the use of an electronic data intermediary approved by the**
- 19          **board."**
- 20          Re-number all SECTIONS consecutively.
- (Reference is to SB 590 as printed February 1, 2005.)

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Senator RIEGSECKER