

## **PHARMACY BOARD [657]**

### **Notice of Intended Action**

The Board of Pharmacy hereby proposes to amend Chapter 39, “Expanded Practice Standards,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 147.76 and 155A.46.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 155A.46.

#### *Purpose and Summary*

Following adoption of rule making (filed as ARC 4270C) relating to a pharmacist’s participation in statewide protocols, concern was raised relating to the term “prescribe” used in the applicable rules for the statewide protocols. These amendments change the language to instead read “order” consistent with the Code.

#### *Fiscal Impact*

This rule making has no fiscal impact to the state of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

#### *Public Comment*

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on \_\_\_\_\_, 2019. Comments should be directed to:

Sue Mears, RPh  
Iowa Board of Pharmacy  
400 SW 8<sup>th</sup> Street, Suite E  
Des Moines, Iowa 50309  
Sue.mears@iow.gov

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1) “b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action proposed:

ITEM 1. Amend rule 657—39.6(155A) as follows:

**657—39.6(155A) Statewide protocols.** A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of public health and available on the board’s website at [pharmacy.iowa.gov](http://pharmacy.iowa.gov), ~~prescribe~~ order and dispense medications pursuant to rules 657—39.8(155A), 657—39.9(155A), and 657—39.11(155A).

ITEM 2. Amend rule 657—39.8(155A) as follows:

**657—39.8(155A) Statewide protocol—naloxone.** An authorized pharmacist may ~~prescribe~~ order and dispense naloxone to patients 18 years and older pursuant to a statewide protocol developed pursuant to rule 657—39.6(155A) and in compliance with this rule. An authorized pharmacist may only delegate the dispensing of naloxone to an authorized pharmacist-intern under the direct supervision of an authorized pharmacist.

**39.8(1) to 39.8(6)** No change.

**39.8(7) Records.** An authorized pharmacist shall maintain records of naloxone ~~prescribed~~ ordered and dispensed pursuant to the statewide protocol.

ITEM 3. Amend rule 657—39.9(155A) as follows:

**657—39.9(155A) Statewide protocol—nicotine replacement tobacco cessation products.** An authorized pharmacist may ~~prescribe~~ order and dispense nicotine replacement tobacco cessation products to patients 18 years and older pursuant to a statewide protocol developed pursuant to rule 657—39.6(155A) and in compliance with this rule. An authorized pharmacist may only delegate the dispensing of a nicotine replacement tobacco cessation product to an authorized pharmacist-intern under the direct supervision of an authorized pharmacist.

**39.9(1) to 39.9(6)** No change.

**39.9(7) Records.** An authorized pharmacist shall maintain records of nicotine replacement tobacco cessation products ~~prescribed~~ ordered and dispensed pursuant to the statewide protocol.

ITEM 4. Amend rule 657—39.11(155A) as follows:

**657—39.11(155A) Vaccine administration by pharmacists—statewide protocol.** An authorized pharmacist may ~~prescribe~~ order and administer vaccines and immunizations pursuant to a statewide protocol developed pursuant to rule 657—39.6(155A) and in compliance with this

rule. An authorized pharmacist may only delegate the prescribing and administration of a vaccine to an authorized pharmacist-intern under the direct supervision of an authorized pharmacist.

**39.11(1)** No change.

**39.11(2)** *Vaccines authorized by statewide protocol.* The vaccines authorized to be ~~prescribed~~ ordered and administered pursuant to the statewide protocol shall include:

*a. to c.* No change.

**39.11(3) to 39.11(5)** No change.

*Emergency Rule Making Adopted by Reference*

This proposed rule making is also published herein as an Adopted and Filed Emergency rule making (see ARC **{XXXXC}**). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rule making, whose subject matter is hereby adopted by reference.

**PHARMACY BOARD [657]**

**Adopted and Filed Emergency**

The Board of Pharmacy hereby amends Chapter 39, “Expanded Practice Standards,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 147.76 and 155A.46.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 155A.46.

*Purpose and Summary*

Following adoption of rule making (filed as ARC 4270C) relating to a pharmacist’s participation in statewide protocols, concern was raised relating to the term “prescribe” used in the applicable rules for the statewide protocols. These amendments change the language to instead read “order” consistent with the Code.

*Reason for Adoption of Rule Making Without  
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Board finds that notice and public participation are unnecessary or impractical because the amendments do not change the pharmacist’s authority or minimum standards required to participate in the statewide protocols.

In compliance with Iowa Code section 17A.4(3)“a,” the Administrative Rules Review Committee at its February 8, 2019, meeting reviewed the Board’s determination and this rule making and approved the emergency adoption.

*Reason for Waiver of Normal Effective Date*

Pursuant to Iowa Code section 17A.5(2)"b"(1)(b), the Board also finds that the normal effective date of rule making, 35 days after publication, should be waived and the rule making made effective April 5, 2019 because further delay of the rule making will further delay the benefit conferred to the public in expanded access to the medications authorized under the statewide protocols.

*Adoption of Rule Making*

This rule making was adopted by the Board on (March 13, 2019).

*Fiscal Impact*

This rule making has no fiscal impact to the state of Iowa.

*Concurrent Publication of Notice of Intended Action*

In addition to its adoption on an emergency basis, this rule making has been initiated through the normal rule-making process and is published herein under Notice of Intended Action as ARC {XXXXC} to allow for public comment.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special

meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on April 5, 2019.

The following rule-making action is adopted:

ITEM 1. Amend rule 657—39.6(155A) as follows:

**657—39.6(155A) Statewide protocols.** A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of public health and available on the board's website at [pharmacy.iowa.gov](http://pharmacy.iowa.gov), ~~prescribe~~ order and dispense medications pursuant to rules 657—39.8(155A), 657—39.9(155A), and 657—39.11(155A).

ITEM 2. Amend rule 657—39.8(155A) as follows:

**657—39.8(155A) Statewide protocol—naloxone.** An authorized pharmacist may ~~prescribe~~ order and dispense naloxone to patients 18 years and older pursuant to a statewide protocol developed pursuant to rule 657—39.6(155A) and in compliance with this rule. An authorized pharmacist may only delegate the dispensing of naloxone to an authorized pharmacist-intern under the direct supervision of an authorized pharmacist.

**39.8(1) to 39.8(6)** No change.

**39.8(7) Records.** An authorized pharmacist shall maintain records of naloxone ~~prescribed~~ ordered and dispensed pursuant to the statewide protocol.

ITEM 3. Amend rule 657—39.9(155A) as follows:

**657—39.9(155A) Statewide protocol—nicotine replacement tobacco cessation products.** An authorized pharmacist may ~~prescribe~~ order and dispense nicotine replacement tobacco cessation

products to patients 18 years and older pursuant to a statewide protocol developed pursuant to rule 657—39.6(155A) and in compliance with this rule. An authorized pharmacist may only delegate the dispensing of a nicotine replacement tobacco cessation product to an authorized pharmacist-intern under the direct supervision of an authorized pharmacist.

**39.9(1) to 39.9(6)** No change.

**39.9(7) *Records.*** An authorized pharmacist shall maintain records of nicotine replacement tobacco cessation products ~~prescribed~~ ordered and dispensed pursuant to the statewide protocol.

ITEM 4. Amend rule 657—39.11(155A) as follows:

**657—39.11(155A) Vaccine administration by pharmacists—statewide protocol.** An authorized pharmacist may ~~prescribe~~ order and administer vaccines and immunizations pursuant to a statewide protocol developed pursuant to rule 657—39.6(155A) and in compliance with this rule. An authorized pharmacist may only delegate the prescribing and administration of a vaccine to an authorized pharmacist-intern under the direct supervision of an authorized pharmacist.

**39.11(1)** No change.

**39.11(2) *Vaccines authorized by statewide protocol.*** The vaccines authorized to be ~~prescribed~~ ordered and administered pursuant to the statewide protocol shall include:

*a. to c.* No change.

**39.11(3) to 39.11(5)** No change.