

PHARMACY BOARD[657]

Notice of Intended Action

**Proposing rule making related to the Iowa prescription monitoring program
and providing an opportunity for public comment**

The Board of Pharmacy hereby proposes to amend Chapter 37, “Iowa Prescription Monitoring Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 124.551 and 2022 Iowa Acts, House File 2201, section 13.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 124.551 and 2022 Iowa Acts, House File 2201.

Purpose and Summary

The proposed rule making establishes council membership information for the Prescription Monitoring Program (PMP) Advisory Council. The proposed rule making also clarifies that only overdose-reversal opioid antagonists are required to be reported to the PMP.

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 written 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 October 11, 2022. Comments should be directed to:

Sue Mears
Board of Pharmacy
400 S.W. 8th Street, Suite E
Des Moines, Iowa 50309
Email: sue.mears@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 12, 2022
10 a.m.

Health Professions Board Room
400 S.W. 8th Street, Suite H
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

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 actions are proposed:

ITEM 1. Amend rule **657—37.2(124)**, definition of “Opioid antagonist,” as follows:

“*Opioid antagonist*” means a drug that binds to opioid receptors and blocks or inhibits the effects of opioids acting on those receptors with the intention to reverse overdose, including but not limited to naloxone hydrochloride or any other similarly acting drug approved by the United States Food and Drug Administration.

ITEM 2. Adopt the following **new** rule 657—37.4(124):

657—37.4(124) Prescription monitoring program advisory council.

37.4(1) Membership. The membership of the PMP advisory council may include, but need not be limited to:

- a. One pharmacist licensed under Iowa Code chapter 155A;
- b. One physician licensed under Iowa Code chapter 148;
- c. One advanced registered nurse practitioner licensed under Iowa Code chapter 152;
- d. One physician assistant licensed under Iowa Code chapter 148C;
- e. One dentist licensed under Iowa Code chapter 153;
- f. One veterinarian licensed under Iowa Code chapter 169;
- g. One individual who is registered with the PMP as a practitioner's delegate;
- h. One individual who is eligible to utilize the PMP in an investigative capacity, such as a law enforcement official, licensing authority representative, or medical examiner; and
- i. One member of the public who is not eligible to register with the PMP.

37.4(2) Term of appointment. Council members shall be appointed by the board for a three-year term and may be reappointed by the board for two additional terms, for a maximum of three terms. Each term shall expire on June 30 of the third year of the term.

37.4(3) Quorum. Three members of the council constitutes a quorum.

37.4(4) Termination of appointment. A council member who is no longer eligible or able to serve on the council shall submit a written resignation to the board. A council member who does not attend three consecutive regular meetings of the council shall be deemed to have submitted a resignation.