

House Research Act Summary

CHAPTER: 321

SESSION: 2008 Regular Session

TOPIC: Public Health Occupations – Discounted Chiropractic Examinations and Provisions related to Prescribing Drugs

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Overview

This act includes a provision regulating free and discounted chiropractic treatments. It includes changes to provisions related to prescribing certain drugs and filling prescriptions. Current law states that a prescription based on an online questionnaire is not valid, unless it was based on a documented patient evaluation. This act modifies that requirement by stating that prescriptions for certain drugs are not valid unless they are based on a documented patient evaluation, including an examination. This act sets out requirements for what constitutes an examination for purposes of this section. Additionally, this act prohibits pharmacists from filling prescriptions that they know, or reasonably expect, are invalid. Finally, this act permits persons designated by a patient to handle that patient's prescription drugs for purposes of helping the patient to obtain or administer the drugs.

Section

- 1 Free or discounted examination or treatment.** Amends § 148.10, by adding subd. 1a. Requires that free and discounted chiropractic examinations provide sufficient information for diagnosis and initiation of treatment. Requires that free and discounted treatments are comparable to chiropractic treatments that are not discounted.
- 2 Dispensing by protocol.** Amends § 148.235, subd. 11. Modifies current law to permit certain registered nurses to dispense contraceptives, not just oral contraceptives as is stated in current law, that are prescribed by a licensed practitioner. Modifies current law to prohibit registered nurses from dispensing contraceptives, not just oral contraceptives, to

patients who are younger than 12 years old.

- 3 **Practitioner.** Amends § 151.01, subd. 23. Updates a cross-reference in the definition of “practitioner.”

Provides an immediate effective date for this section.

- 4 **Prescribing and filing.** Amends § 151.37, subd. 2.

(a) No change from current statute.

(b) No change from current statute.

(c) Modifies requirements for valid prescriptions by applying the requirements to certain drugs listed in this paragraph, and stating that prescriptions for these drugs are not valid unless the prescription is based on a documented patient evaluation, including an examination.

(d) Sets out the circumstances in which an examination of a patient meets the examination requirement for purposes of a valid prescription under paragraph (c).

(e) States that nothing in paragraph (c) or (d) prohibits a practitioner from prescribing drugs using guidelines or protocol permitted in paragraph (a). Paragraph (a) is unchanged by this act.

(f) States that nothing in this chapter prohibits a practitioner from issuing or dispensing a drug in accordance with certain guidelines from the CDC.

(g) States that nothing in paragraph (c) or (d) limits prescribing, administering, or dispensing drugs for public health purposes related to pandemic illness, infectious disease outbreak, or release of a biological, chemical, or radiological agent.

(h) Prohibits pharmacists in the state from dispensing legend drugs based on a prescription that the pharmacist knows, or reasonably expects, is not valid under paragraph (c).

(i) Prohibits pharmacists working at a pharmacy registered as a nonresident special pharmacy from dispensing legend drugs to Minnesota residents based on a prescription that the pharmacist knows, or reasonably expects, is not valid under paragraph (c).

Provides an immediate effective date for this section.

- 5 **Exclusion for prescriptions.** Amends § 151.37, subd. 7. States that nothing in this chapter prohibits a patient, for whom a prescription is written, from designating someone to assist in obtaining and administering the drug.

Provides an immediate effective date for this section.

- 6 **County return of unused drugs or medical devices.** Amends § 151.56. Modifies current law, which permits pharmacies to accept returns of unused drugs, by permitting pharmacies, in addition to accepting returns of unused drugs, to redispense them if they are unopened.

Requires county jails and juvenile correctional facilities to have on hand an employee trained in delivery and storage of medications, rather than a trained medication technician as

is currently required.

Provides an immediate effective date for this section.

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Schedule II and III controlled substances prescription electronic reporting system.

Amends § 152.126. Modifies the definition of “dispenser” for purposes of this section. States that this section is not intended to interfere with legitimate prescribing of controlled substances for pain, and that prescribers may not be disciplined for prescribing drugs pursuant to section 152.125.

Adds to the list of members on the Prescription Electronic Reporting Advisory Committee.

Adds three items to the list of information that dispensers must submit to the Minnesota State Board of Pharmacy: the prescription number, the patient’s address, and the number of days supply.

Permits the Board to require more or less information from a dispenser provided the information omitted or submitted is required to comply with a national standard-setting body.

Makes technical changes. Extends by one year the deadline for the Board to submit an evaluation of the reporting system to the legislature.

Provides an immediate effective date for this section.

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Repealer. Repeals § 148.235, subd. 12. (Permits registered nurses to dispense oral contraceptives under certain circumstances. This language is duplicative with subdivision 11 because the language was passed twice in the 2007 Legislative Session.)