

BEFORE THE BOARD OF PHARMACY
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the adoption of New)
Rule I pertaining to pharmacist)
prescribing)

NOTICE OF PUBLIC HEARING ON
PROPOSED ADOPTION

TO: All Concerned Persons

1. On November 28, 2023, at 1:00 p.m., a public hearing will be held via remote conferencing to consider the proposed adoption of the above-stated rule. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

a. Join Zoom Meeting, <https://mt-gov.zoom.us/j/83859050604>
Meeting ID: 838 5905 0604, Passcode: 476712

-OR-

b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656
Meeting ID: 838 5905 0604, Passcode: 476712

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on November 21, 2023, to advise us of the nature of the accommodation that you need. Please contact the department at P.O. Box 1728, Helena, Montana 59624-1728; telephone (406) 444-5466; Montana Relay 711; or e-mail laborlegal@mt.gov.

3. The proposed new rule is as follows:

NEW RULE I PHARMACIST PRESCRIBING: GENERAL REQUIREMENTS

(1) Pursuant to [SB 112 (1), L. 2023] and these rules, any pharmacist may independently prescribe.

(2) The pharmacist prescribing under this rule must obtain adequate information about the patient's health status to make appropriate decisions based on the applicable standard of care and the best available evidence. For each drug or device the pharmacist intends to prescribe, the pharmacist must maintain a patient assessment based on current clinical guidelines, best practice standards, or evidence-based research findings, as applicable.

(3) The pharmacist must document an appropriate follow-up care plan, including any monitoring parameters, as indicated by the patient assessment.

(4) The pharmacist must inquire about the identity of the patient's primary care provider or provider of record. If a provider is identified, the pharmacist must document the information and notify the provider at the earliest reasonable time following the prescribing of a drug or device.

(5) The pharmacist must maintain documentation adequate to justify the care provided, including, but not limited to the information collected as part of the patient

assessment, the prescription record, any notification provided as required under this rule, and the follow-up care plan. Records must be made available for inspection by the board.

AUTH: 37-7-201, MCA

IMP: [Senate Bill 112 (2023)]

REASON: The 2023 Legislature passed Senate Bill (SB) 112, allowing for independent prescribing authority for pharmacists in limited situations. Previously, pharmacists could prescribe only as part of a collaborative practice agreement and could issue emergency refills of prescriptions in limited situations. It is therefore necessary to set standards for patient care, evaluation, recordkeeping, and provider notification required of pharmacists prescribing under SB 112's authority.

4. Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728; Helena, Montana 59624. Comments must be received no later than 5:00 p.m., December 1, 2023.

5. An electronic copy of this notice of public hearing is available at dli.mt.gov/rules and sosmt.gov/ARM/register.

6. The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728; Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

7. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on May 9, 2023, by email.

8. Pursuant to 2-4-111, MCA, the agency has determined that the rule adoption proposed in this notice will not have a significant and direct impact upon small businesses.

9. Department staff has been designated to preside over and conduct this hearing.

BOARD OF PHARMACY

PAUL BRAND, PHARMACIST, PRESIDENT

/s/ QUINLAN L. O'CONNOR

Quinlan L. O'Connor
Rule Reviewer

/s/ SARAH SWANSON

Sarah Swanson, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 24, 2023.