

HB499 INTRODUCED



1 YP5S62-1
2 By Representative Whorton
3 RFD: Health
4 First Read: 18-May-23
5 2023 Regular Session



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SYNOPSIS:

Existing law requires Ivermectin to be dispensed by a pharmacist only on the prescription of a licensed physician.

This bill would permit a physician, a physician's assistant, or a certified registered nurse practitioner to give a pharmacist a standing order that has been approved by the State Board of Pharmacy to dispense Ivermectin to individuals without a prescription. The standing order would contain a protocol providing the pharmacist with guidelines for providing Ivermectin to individuals who request it.

This bill would prohibit health care providers and pharmacists from participating in any program or receiving any benefit that would induce them to encourage patients or the public to use Ivermectin.

This bill would also prohibit health care providers qualified to give a standing order and pharmacists who follow a standing order from being subject to disciplinary action from the respective governing licensing board as a result of dispensing Ivermectin.

A BILL



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29 TO BE ENTITLED

30 AN ACT

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32 Relating to prescription drugs; to provide for the
33 dispensing of Ivermectin by a pharmacist without an individual
34 prescription pursuant to a standing order issued by a
35 physician, physician's assistant, or certified registered
36 nurse practitioner; to protect physicians, physician's
37 assistants, certified registered nurse practitioners, and
38 pharmacists from licensure disciplinary action due to
39 dispensing Ivermectin.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

41 Section 1. For the purposes of this act, the following
42 terms have the following meanings:

43 (1) HEALTH CARE PROVIDER. A physician licensed by the
44 Medical Licensure Commission pursuant to Article 8, Chapter 24
45 of Title 34, Code of Alabama 1975; a physician's assistant
46 licensed by the State Board of Medical Examiners pursuant to
47 Article 7, Chapter 24 of Title 34, Code of Alabama 1975; or a
48 certified registered nurse practitioner licensed and certified
49 by the Board of Nursing pursuant to Article 5, Chapter 21 of
50 Title 34, Code of Alabama 1975.

51 (2) STANDING ORDER. A prescription order that is not
52 patient specific.

53 Section 2. A pharmacist may dispense Ivermectin without
54 a prescription to an individual who is 19 years of age or
55 older, or to an unemancipated individual under the age of 19
56 upon written consent of the individual's parent or legal



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57 guardian, pursuant to a standing order that has received the
58 approval of the State Board of Pharmacy and is signed by a
59 health care provider.

60 Section 3. The standing order shall include all of the
61 following:

62 (1) A risk assessment protocol for use by the
63 pharmacist to screen an individual who requests Ivermectin and
64 which includes a plan for treating adverse events.

65 (2) A standardized information sheet that provides the
66 following information for the individual who is dispensed
67 Ivermectin:

68 a. Indications and contraindications for the use of
69 Ivermectin.

70 b. Instructions for using Ivermectin.

71 c. A statement on the importance of follow-up care and
72 health care referral information.

73 (3) A form for the pharmacist to record the completion
74 of the risk assessment protocol and the dosage dispensed to
75 the individual.

76 Section 4. No health care provider who signs a standing
77 order, and no pharmacist who dispenses Ivermectin pursuant to
78 a standing order, shall participate in any program or accept
79 anything of value that induces the health care provider or
80 pharmacist to affirmatively commend or endorse the use of
81 Ivermectin to an individual or the public.

82 Section 5. (a) The governing licensing board shall not
83 take disciplinary action against a health care provider who
84 signs a standing order for Ivermectin which has been approved



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85 by the State Board of Pharmacy based on a pharmacist's
86 dispensing of Ivermectin pursuant to that standing order.

87 (b) The State Board of Pharmacy shall not take
88 disciplinary action against a pharmacist based upon any of the
89 following:

90 (1) The pharmacist's failure in good faith to correctly
91 interpret and follow the standing order upon dispensing
92 Ivermectin.

93 (2) A defect in the standing order upon which the
94 pharmacist relies when dispensing Ivermectin.

95 (3) The pharmacist's refusal to dispense Ivermectin
96 upon the request of an individual, notwithstanding the
97 existence of a standing order for Ivermectin signed by a
98 health care provider and authorized by the State Board of
99 Pharmacy covering the pharmacist's employer or practice.

100 Section 6. The State of Board of Pharmacy shall adopt
101 rules to implement and administer this act.

102 Section 7. This act shall not constitute standards of,
103 nor be construed as evidence for, the practice of medicine or
104 the practice of pharmacy. Nothing in this act shall alter,
105 amend, or supersede any provision of Section 6-5-333, Code of
106 Alabama 1975, or the Alabama Medical liability Act of 1987
107 commencing with Section 6-5-540, Code of Alabama 1975, or the
108 Alabama Medical Liability Act of 1996, commencing with Section
109 6-5-548, Code of Alabama 1975, or any amendment to any of the
110 foregoing, or any judicial interpretation of the foregoing.
111 Evidence of compliance or noncompliance with this act shall
112 not be admissible to prove the negligence or the breach of any



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113 other standard of care of any party in any civil action.

114 Section 8. This act shall become effective on the first
115 day of the third month following its passage and approval by
116 the Governor, or its otherwise becoming law.