

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Pharmacy Practice Act is amended by changing
5 Section 3 as follows:

6 (225 ILCS 85/3)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 3. Definitions. For the purpose of this Act, except
9 where otherwise limited therein:

10 (a) "Pharmacy" or "drugstore" means and includes every
11 store, shop, pharmacy department, or other place where
12 pharmacist care is provided by a pharmacist (1) where drugs,
13 medicines, or poisons are dispensed, sold or offered for sale
14 at retail, or displayed for sale at retail; or (2) where
15 prescriptions of physicians, dentists, advanced practice
16 registered nurses, physician assistants, veterinarians,
17 podiatric physicians, or optometrists, within the limits of
18 their licenses, are compounded, filled, or dispensed; or (3)
19 which has upon it or displayed within it, or affixed to or used
20 in connection with it, a sign bearing the word or words
21 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",
22 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",
23 "Drugs", "Dispensary", "Medicines", or any word or words of

1 similar or like import, either in the English language or any
2 other language; or (4) where the characteristic prescription
3 sign (Rx) or similar design is exhibited; or (5) any store, or
4 shop, or other place with respect to which any of the above
5 words, objects, signs or designs are used in any advertisement.

6 (b) "Drugs" means and includes (1) articles recognized in
7 the official United States Pharmacopoeia/National Formulary
8 (USP/NF), or any supplement thereto and being intended for and
9 having for their main use the diagnosis, cure, mitigation,
10 treatment or prevention of disease in man or other animals, as
11 approved by the United States Food and Drug Administration, but
12 does not include devices or their components, parts, or
13 accessories; and (2) all other articles intended for and having
14 for their main use the diagnosis, cure, mitigation, treatment
15 or prevention of disease in man or other animals, as approved
16 by the United States Food and Drug Administration, but does not
17 include devices or their components, parts, or accessories; and
18 (3) articles (other than food) having for their main use and
19 intended to affect the structure or any function of the body of
20 man or other animals; and (4) articles having for their main
21 use and intended for use as a component or any articles
22 specified in clause (1), (2) or (3); but does not include
23 devices or their components, parts or accessories.

24 (c) "Medicines" means and includes all drugs intended for
25 human or veterinary use approved by the United States Food and
26 Drug Administration.

1 (d) "Practice of pharmacy" means:

2 (1) the interpretation and the provision of assistance
3 in the monitoring, evaluation, and implementation of
4 prescription drug orders;

5 (2) the dispensing of prescription drug orders;

6 (3) participation in drug and device selection;

7 (4) drug administration limited to the administration
8 of oral, topical, injectable, and inhalation as follows:

9 (A) in the context of patient education on the
10 proper use or delivery of medications;

11 (B) vaccination of patients 14 years of age and
12 older pursuant to a valid prescription or standing
13 order, by a physician licensed to practice medicine in
14 all its branches, upon completion of appropriate
15 training, including how to address contraindications
16 and adverse reactions set forth by rule, with
17 notification to the patient's physician and
18 appropriate record retention, or pursuant to hospital
19 pharmacy and therapeutics committee policies and
20 procedures; ~~and~~

21 (B-5) following the initial administration of
22 long-acting or extended release form opioid
23 antagonists by a physician licensed to practice
24 medicine in all its branches, administration of
25 injections of long-acting or extended-release form
26 opioid antagonists for the treatment of substance use

1 disorder, pursuant to a valid prescription by a
2 physician licensed to practice medicine in all its
3 branches, upon completion of appropriate training,
4 including how to address contraindications and adverse
5 reactions, including, but not limited to, respiratory
6 depression and the performance of cardiopulmonary
7 resuscitation, set forth by rule, with notification to
8 the patient's physician and appropriate record
9 retention, or pursuant to hospital pharmacy and
10 therapeutics committee policies and procedures;

11 (C) administration of injections of
12 alpha-hydroxyprogesterone caproate, pursuant to a
13 valid prescription, by a physician licensed to
14 practice medicine in all its branches, upon completion
15 of appropriate training, including how to address
16 contraindications and adverse reactions set forth by
17 rule, with notification to the patient's physician and
18 appropriate record retention, or pursuant to hospital
19 pharmacy and therapeutics committee policies and
20 procedures; and

21 (D) administration of injections of long-term
22 antipsychotic medications pursuant to a valid
23 prescription by a physician licensed to practice
24 medicine in all its branches, upon completion of
25 appropriate training conducted by an Accreditation
26 Council of Pharmaceutical Education accredited

1 provider, including how to address contraindications
2 and adverse reactions set forth by rule, with
3 notification to the patient's physician and
4 appropriate record retention, or pursuant to hospital
5 pharmacy and therapeutics committee policies and
6 procedures.

7 (5) vaccination of patients ages 10 through 13 limited
8 to the Influenza (inactivated influenza vaccine and live
9 attenuated influenza intranasal vaccine) and Tdap (defined
10 as tetanus, diphtheria, acellular pertussis) vaccines,
11 pursuant to a valid prescription or standing order, by a
12 physician licensed to practice medicine in all its
13 branches, upon completion of appropriate training,
14 including how to address contraindications and adverse
15 reactions set forth by rule, with notification to the
16 patient's physician and appropriate record retention, or
17 pursuant to hospital pharmacy and therapeutics committee
18 policies and procedures;

19 (6) drug regimen review;

20 (7) drug or drug-related research;

21 (8) the provision of patient counseling;

22 (9) the practice of telepharmacy;

23 (10) the provision of those acts or services necessary
24 to provide pharmacist care;

25 (11) medication therapy management; and

26 (12) the responsibility for compounding and labeling

1 of drugs and devices (except labeling by a manufacturer,
2 repackager, or distributor of non-prescription drugs and
3 commercially packaged legend drugs and devices), proper
4 and safe storage of drugs and devices, and maintenance of
5 required records.

6 A pharmacist who performs any of the acts defined as the
7 practice of pharmacy in this State must be actively licensed as
8 a pharmacist under this Act.

9 (e) "Prescription" means and includes any written, oral,
10 facsimile, or electronically transmitted order for drugs or
11 medical devices, issued by a physician licensed to practice
12 medicine in all its branches, dentist, veterinarian, podiatric
13 physician, or optometrist, within the limits of his or her
14 license, by a physician assistant in accordance with subsection
15 (f) of Section 4, or by an advanced practice registered nurse
16 in accordance with subsection (g) of Section 4, containing the
17 following: (1) name of the patient; (2) date when prescription
18 was issued; (3) name and strength of drug or description of the
19 medical device prescribed; and (4) quantity; (5) directions for
20 use; (6) prescriber's name, address, and signature; and (7) DEA
21 registration number where required, for controlled substances.
22 The prescription may, but is not required to, list the illness,
23 disease, or condition for which the drug or device is being
24 prescribed. DEA registration numbers shall not be required on
25 inpatient drug orders. A prescription for medication other than
26 controlled substances shall be valid for up to 15 months from

1 the date issued for the purpose of refills, unless the
2 prescription states otherwise.

3 (f) "Person" means and includes a natural person,
4 partnership, association, corporation, government entity, or
5 any other legal entity.

6 (g) "Department" means the Department of Financial and
7 Professional Regulation.

8 (h) "Board of Pharmacy" or "Board" means the State Board of
9 Pharmacy of the Department of Financial and Professional
10 Regulation.

11 (i) "Secretary" means the Secretary of Financial and
12 Professional Regulation.

13 (j) "Drug product selection" means the interchange for a
14 prescribed pharmaceutical product in accordance with Section
15 25 of this Act and Section 3.14 of the Illinois Food, Drug and
16 Cosmetic Act.

17 (k) "Inpatient drug order" means an order issued by an
18 authorized prescriber for a resident or patient of a facility
19 licensed under the Nursing Home Care Act, the ID/DD Community
20 Care Act, the MC/DD Act, the Specialized Mental Health
21 Rehabilitation Act of 2013, the Hospital Licensing Act, or the
22 University of Illinois Hospital Act, or a facility which is
23 operated by the Department of Human Services (as successor to
24 the Department of Mental Health and Developmental
25 Disabilities) or the Department of Corrections.

26 (k-5) "Pharmacist" means an individual health care

1 professional and provider currently licensed by this State to
2 engage in the practice of pharmacy.

3 (l) "Pharmacist in charge" means the licensed pharmacist
4 whose name appears on a pharmacy license and who is responsible
5 for all aspects of the operation related to the practice of
6 pharmacy.

7 (m) "Dispense" or "dispensing" means the interpretation,
8 evaluation, and implementation of a prescription drug order,
9 including the preparation and delivery of a drug or device to a
10 patient or patient's agent in a suitable container
11 appropriately labeled for subsequent administration to or use
12 by a patient in accordance with applicable State and federal
13 laws and regulations. "Dispense" or "dispensing" does not mean
14 the physical delivery to a patient or a patient's
15 representative in a home or institution by a designee of a
16 pharmacist or by common carrier. "Dispense" or "dispensing"
17 also does not mean the physical delivery of a drug or medical
18 device to a patient or patient's representative by a
19 pharmacist's designee within a pharmacy or drugstore while the
20 pharmacist is on duty and the pharmacy is open.

21 (n) "Nonresident pharmacy" means a pharmacy that is located
22 in a state, commonwealth, or territory of the United States,
23 other than Illinois, that delivers, dispenses, or distributes,
24 through the United States Postal Service, commercially
25 acceptable parcel delivery service, or other common carrier, to
26 Illinois residents, any substance which requires a

1 prescription.

2 (o) "Compounding" means the preparation and mixing of
3 components, excluding flavorings, (1) as the result of a
4 prescriber's prescription drug order or initiative based on the
5 prescriber-patient-pharmacist relationship in the course of
6 professional practice or (2) for the purpose of, or incident
7 to, research, teaching, or chemical analysis and not for sale
8 or dispensing. "Compounding" includes the preparation of drugs
9 or devices in anticipation of receiving prescription drug
10 orders based on routine, regularly observed dispensing
11 patterns. Commercially available products may be compounded
12 for dispensing to individual patients only if all of the
13 following conditions are met: (i) the commercial product is not
14 reasonably available from normal distribution channels in a
15 timely manner to meet the patient's needs and (ii) the
16 prescribing practitioner has requested that the drug be
17 compounded.

18 (p) (Blank).

19 (q) (Blank).

20 (r) "Patient counseling" means the communication between a
21 pharmacist or a student pharmacist under the supervision of a
22 pharmacist and a patient or the patient's representative about
23 the patient's medication or device for the purpose of
24 optimizing proper use of prescription medications or devices.
25 "Patient counseling" may include without limitation (1)
26 obtaining a medication history; (2) acquiring a patient's

1 allergies and health conditions; (3) facilitation of the
2 patient's understanding of the intended use of the medication;
3 (4) proper directions for use; (5) significant potential
4 adverse events; (6) potential food-drug interactions; and (7)
5 the need to be compliant with the medication therapy. A
6 pharmacy technician may only participate in the following
7 aspects of patient counseling under the supervision of a
8 pharmacist: (1) obtaining medication history; (2) providing
9 the offer for counseling by a pharmacist or student pharmacist;
10 and (3) acquiring a patient's allergies and health conditions.

11 (s) "Patient profiles" or "patient drug therapy record"
12 means the obtaining, recording, and maintenance of patient
13 prescription information, including prescriptions for
14 controlled substances, and personal information.

15 (t) (Blank).

16 (u) "Medical device" or "device" means an instrument,
17 apparatus, implement, machine, contrivance, implant, in vitro
18 reagent, or other similar or related article, including any
19 component part or accessory, required under federal law to bear
20 the label "Caution: Federal law requires dispensing by or on
21 the order of a physician". A seller of goods and services who,
22 only for the purpose of retail sales, compounds, sells, rents,
23 or leases medical devices shall not, by reasons thereof, be
24 required to be a licensed pharmacy.

25 (v) "Unique identifier" means an electronic signature,
26 handwritten signature or initials, thumb print, or other

1 acceptable biometric or electronic identification process as
2 approved by the Department.

3 (w) "Current usual and customary retail price" means the
4 price that a pharmacy charges to a non-third-party payor.

5 (x) "Automated pharmacy system" means a mechanical system
6 located within the confines of the pharmacy or remote location
7 that performs operations or activities, other than compounding
8 or administration, relative to storage, packaging, dispensing,
9 or distribution of medication, and which collects, controls,
10 and maintains all transaction information.

11 (y) "Drug regimen review" means and includes the evaluation
12 of prescription drug orders and patient records for (1) known
13 allergies; (2) drug or potential therapy contraindications;
14 (3) reasonable dose, duration of use, and route of
15 administration, taking into consideration factors such as age,
16 gender, and contraindications; (4) reasonable directions for
17 use; (5) potential or actual adverse drug reactions; (6)
18 drug-drug interactions; (7) drug-food interactions; (8)
19 drug-disease contraindications; (9) therapeutic duplication;
20 (10) patient laboratory values when authorized and available;
21 (11) proper utilization (including over or under utilization)
22 and optimum therapeutic outcomes; and (12) abuse and misuse.

23 (z) "Electronically transmitted prescription" means a
24 prescription that is created, recorded, or stored by electronic
25 means; issued and validated with an electronic signature; and
26 transmitted by electronic means directly from the prescriber to

1 a pharmacy. An electronic prescription is not an image of a
2 physical prescription that is transferred by electronic means
3 from computer to computer, facsimile to facsimile, or facsimile
4 to computer.

5 (aa) "Medication therapy management services" means a
6 distinct service or group of services offered by licensed
7 pharmacists, physicians licensed to practice medicine in all
8 its branches, advanced practice registered nurses authorized
9 in a written agreement with a physician licensed to practice
10 medicine in all its branches, or physician assistants
11 authorized in guidelines by a supervising physician that
12 optimize therapeutic outcomes for individual patients through
13 improved medication use. In a retail or other non-hospital
14 pharmacy, medication therapy management services shall consist
15 of the evaluation of prescription drug orders and patient
16 medication records to resolve conflicts with the following:

- 17 (1) known allergies;
- 18 (2) drug or potential therapy contraindications;
- 19 (3) reasonable dose, duration of use, and route of
20 administration, taking into consideration factors such as
21 age, gender, and contraindications;
- 22 (4) reasonable directions for use;
- 23 (5) potential or actual adverse drug reactions;
- 24 (6) drug-drug interactions;
- 25 (7) drug-food interactions;
- 26 (8) drug-disease contraindications;

- 1 (9) identification of therapeutic duplication;
- 2 (10) patient laboratory values when authorized and
- 3 available;
- 4 (11) proper utilization (including over or under
- 5 utilization) and optimum therapeutic outcomes; and
- 6 (12) drug abuse and misuse.

7 "Medication therapy management services" includes the
8 following:

- 9 (1) documenting the services delivered and
- 10 communicating the information provided to patients'
- 11 prescribers within an appropriate time frame, not to exceed
- 12 48 hours;
- 13 (2) providing patient counseling designed to enhance a
- 14 patient's understanding and the appropriate use of his or
- 15 her medications; and
- 16 (3) providing information, support services, and
- 17 resources designed to enhance a patient's adherence with
- 18 his or her prescribed therapeutic regimens.

19 "Medication therapy management services" may also include
20 patient care functions authorized by a physician licensed to
21 practice medicine in all its branches for his or her identified
22 patient or groups of patients under specified conditions or
23 limitations in a standing order from the physician.

24 "Medication therapy management services" in a licensed
25 hospital may also include the following:

- 26 (1) reviewing assessments of the patient's health

1 status; and

2 (2) following protocols of a hospital pharmacy and
3 therapeutics committee with respect to the fulfillment of
4 medication orders.

5 (bb) "Pharmacist care" means the provision by a pharmacist
6 of medication therapy management services, with or without the
7 dispensing of drugs or devices, intended to achieve outcomes
8 that improve patient health, quality of life, and comfort and
9 enhance patient safety.

10 (cc) "Protected health information" means individually
11 identifiable health information that, except as otherwise
12 provided, is:

13 (1) transmitted by electronic media;

14 (2) maintained in any medium set forth in the
15 definition of "electronic media" in the federal Health
16 Insurance Portability and Accountability Act; or

17 (3) transmitted or maintained in any other form or
18 medium.

19 "Protected health information" does not include
20 individually identifiable health information found in:

21 (1) education records covered by the federal Family
22 Educational Right and Privacy Act; or

23 (2) employment records held by a licensee in its role
24 as an employer.

25 (dd) "Standing order" means a specific order for a patient
26 or group of patients issued by a physician licensed to practice

1 medicine in all its branches in Illinois.

2 (ee) "Address of record" means the designated address
3 recorded by the Department in the applicant's application file
4 or licensee's license file maintained by the Department's
5 licensure maintenance unit.

6 (ff) "Home pharmacy" means the location of a pharmacy's
7 primary operations.

8 (gg) "Email address of record" means the designated email
9 address recorded by the Department in the applicant's
10 application file or the licensee's license file, as maintained
11 by the Department's licensure maintenance unit.

12 (Source: P.A. 99-180, eff. 7-29-15; 100-208, eff. 1-1-18;
13 100-497, eff. 9-8-17; 100-513, eff. 1-1-18; 100-804, eff.
14 1-1-19; 100-863, eff. 8-14-18.)