

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7 (Section scheduled to be repealed on January 1, 2018)

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 nurses, physician assistants, veterinarians, podiatric
17 physicians, or optometrists, within the limits of their
18 licenses, are compounded, filled, or dispensed; or (3) which
19 has upon it or displayed within it, or affixed to or used in
20 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 (C) administration of injections of
22 alpha-hydroxyprogesterone caproate, pursuant to a
23 valid prescription, by a physician licensed to
24 practice medicine in all its branches, upon completion
25 of appropriate training, including how to address
26 contraindications and adverse reactions set forth by

1 rule, with notification to the patient's physician and
2 appropriate record retention, or pursuant to hospital
3 pharmacy and therapeutics committee policies and
4 procedures;

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

17 (6) drug regimen review;

18 (7) drug or drug-related research;

19 (8) the provision of patient counseling;

20 (9) the practice of telepharmacy;

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

23 (11) medication therapy management; and

24 (12) the responsibility for compounding and labeling
25 of drugs and devices (except labeling by a manufacturer,
26 repackager, or distributor of non-prescription drugs and

1 commercially packaged legend drugs and devices), proper
2 and safe storage of drugs and devices, and maintenance of
3 required records.

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

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

23 (f) "Person" means and includes a natural person,
24 copartnership, association, corporation, government entity, or
25 any other legal entity.

26 (g) "Department" means the Department of Financial and

1 Professional Regulation.

2 (h) "Board of Pharmacy" or "Board" means the State Board of
3 Pharmacy of the Department of Financial and Professional
4 Regulation.

5 (i) "Secretary" means the Secretary of Financial and
6 Professional Regulation.

7 (j) "Drug product selection" means the interchange for a
8 prescribed pharmaceutical product in accordance with Section
9 25 of this Act and Section 3.14 of the Illinois Food, Drug and
10 Cosmetic Act.

11 (k) "Inpatient drug order" means an order issued by an
12 authorized prescriber for a resident or patient of a facility
13 licensed under the Nursing Home Care Act, the ID/DD Community
14 Care Act, the MC/DD Act, the Specialized Mental Health
15 Rehabilitation Act of 2013, or the Hospital Licensing Act, or
16 "An Act in relation to the founding and operation of the
17 University of Illinois Hospital and the conduct of University
18 of Illinois health care programs", approved July 3, 1931, as
19 amended, or a facility which is operated by the Department of
20 Human Services (as successor to the Department of Mental Health
21 and Developmental Disabilities) or the Department of
22 Corrections.

23 (k-5) "Pharmacist" means an individual health care
24 professional and provider currently licensed by this State to
25 engage in the practice of pharmacy.

26 (l) "Pharmacist in charge" means the licensed pharmacist

1 whose name appears on a pharmacy license and who is responsible
2 for all aspects of the operation related to the practice of
3 pharmacy.

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

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

25 (o) "Compounding" means the preparation and mixing of
26 components, excluding flavorings, (1) as the result of a

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

15 (p) (Blank).

16 (q) (Blank).

17 (r) "Patient counseling" means the communication between a
18 pharmacist or a student pharmacist under the supervision of a
19 pharmacist and a patient or the patient's representative about
20 the patient's medication or device for the purpose of
21 optimizing proper use of prescription medications or devices.
22 "Patient counseling" may include without limitation (1)
23 obtaining a medication history; (2) acquiring a patient's
24 allergies and health conditions; (3) facilitation of the
25 patient's understanding of the intended use of the medication;
26 (4) proper directions for use; (5) significant potential

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

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

12 (t) (Blank).

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

22 (v) "Unique identifier" means an electronic signature,
23 handwritten signature or initials, thumb print, or other
24 acceptable biometric or electronic identification process as
25 approved by the Department.

26 (w) "Current usual and customary retail price" means the

1 price that a pharmacy charges to a non-third-party payor.

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

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

20 (z) "Electronic transmission prescription" means any
21 prescription order for which a facsimile or electronic image of
22 the order is electronically transmitted from a licensed
23 prescriber to a pharmacy. "Electronic transmission
24 prescription" includes both data and image prescriptions.

25 (aa) "Medication therapy management services" means a
26 distinct service or group of services offered by licensed

1 pharmacists, physicians licensed to practice medicine in all
2 its branches, advanced practice nurses authorized in a written
3 agreement with a physician licensed to practice medicine in all
4 its branches, or physician assistants authorized in guidelines
5 by a supervising physician that optimize therapeutic outcomes
6 for individual patients through improved medication use. In a
7 retail or other non-hospital pharmacy, medication therapy
8 management services shall consist of the evaluation of
9 prescription drug orders and patient medication records to
10 resolve conflicts with the following:

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

1 "Medication therapy management services" includes the
2 following:

3 (1) documenting the services delivered and
4 communicating the information provided to patients'
5 prescribers within an appropriate time frame, not to exceed
6 48 hours;

7 (2) providing patient counseling designed to enhance a
8 patient's understanding and the appropriate use of his or
9 her medications; and

10 (3) providing information, support services, and
11 resources designed to enhance a patient's adherence with
12 his or her prescribed therapeutic regimens.

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

18 "Medication therapy management services" in a licensed
19 hospital may also include the following:

20 (1) reviewing assessments of the patient's health
21 status; and

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

25 (bb) "Pharmacist care" means the provision by a pharmacist
26 of medication therapy management services, with or without the

1 dispensing of drugs or devices, intended to achieve outcomes
2 that improve patient health, quality of life, and comfort and
3 enhance patient safety.

4 (cc) "Protected health information" means individually
5 identifiable health information that, except as otherwise
6 provided, is:

7 (1) transmitted by electronic media;

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

11 (3) transmitted or maintained in any other form or
12 medium.

13 "Protected health information" does not include
14 individually identifiable health information found in:

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

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

19 (dd) "Standing order" means a specific order for a patient
20 or group of patients issued by a physician licensed to practice
21 medicine in all its branches in Illinois.

22 (ee) "Address of record" means the address recorded by the
23 Department in the applicant's or licensee's application file or
24 license file, as maintained by the Department's licensure
25 maintenance unit.

26 (ff) "Home pharmacy" means the location of a pharmacy's

1 primary operations.

2 (Source: P.A. 98-104, eff. 7-22-13; 98-214, eff. 8-9-13;

3 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)