



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5128

Introduced 1/27/2022, by Rep. Anne Stava-Murray

#### SYNOPSIS AS INTRODUCED:

225 ILCS 85/15

from Ch. 111, par. 4135

Amends the Pharmacy Practice Act. Provides that an owner of a pharmacy shall not establish a quota related to the duties for which a pharmacist, pharmacist student, or pharmacy technician is required to perform. Provides that the new provisions do not prohibit a pharmacy from establishing policies and procedures that assist in assessing the competency and performance of a pharmacist, pharmacist student, or pharmacy technician in providing care to patients if the measures do not include quotas. Provides that the Department of Financial and Professional Regulation may take enforcement action against a pharmacy that does not follow the new provisions unless, by clear and convincing evidence, the pharmacy demonstrates that the violation was contrary to its policy.

LRB102 25221 AMQ 34492 b

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  
5 changing Section 15 as follows:

6 (225 ILCS 85/15) (from Ch. 111, par. 4135)

7 (Section scheduled to be repealed on January 1, 2023)

8 Sec. 15. Pharmacy requirements.

9 (1) It shall be unlawful for the owner of any pharmacy, as  
10 defined in this Act, to operate or conduct the same, or to  
11 allow the same to be operated or conducted, unless:

12 (a) It has a licensed pharmacist, authorized to  
13 practice pharmacy in this State under the provisions of  
14 this Act, on duty whenever the practice of pharmacy is  
15 conducted;

16 (b) Security provisions for all drugs and devices, as  
17 determined by rule of the Department, are provided during  
18 the absence from the licensed pharmacy of all licensed  
19 pharmacists. Maintenance of security provisions is the  
20 responsibility of the licensed pharmacist in charge; and

21 (c) The pharmacy is licensed under this Act to conduct  
22 the practice of pharmacy in any and all forms from the  
23 physical address of the pharmacy's primary inventory where

1 U.S. mail is delivered. If a facility, company, or  
2 organization operates multiple pharmacies from multiple  
3 physical addresses, a separate pharmacy license is  
4 required for each different physical address.

5 (2) The Department may allow a pharmacy that is not  
6 located at the same location as its home pharmacy and at which  
7 pharmacy services are provided during an emergency situation,  
8 as defined by rule, to be operated as an emergency remote  
9 pharmacy. An emergency remote pharmacy operating under this  
10 subsection (2) shall operate under the license of the home  
11 pharmacy.

12 (3) The Secretary may waive the requirement for a  
13 pharmacist to be on duty at all times for State facilities not  
14 treating human ailments. This waiver of the requirement  
15 remains in effect until it is rescinded by the Secretary and  
16 the Department provides written notice of the rescission to  
17 the State facility.

18 (4) It shall be unlawful for any person, who is not a  
19 licensed pharmacy or health care facility, to purport to be  
20 such or to use in name, title, or sign designating, or in  
21 connection with that place of business, any of the words:  
22 "pharmacy", "pharmacist", "pharmacy department",  
23 "apothecary", "druggist", "drug", "drugs", "medicines",  
24 "medicine store", "drug sundries", "prescriptions filled", or  
25 any list of words indicating that drugs are compounded or sold  
26 to the lay public, or prescriptions are dispensed therein.

1 Each day during which, or a part which, such representation is  
2 made or appears or such a sign is allowed to remain upon or in  
3 such a place of business shall constitute a separate offense  
4 under this Act.

5 (5) The holder of any license shall conspicuously display  
6 it in the pharmacy in which he is engaged in the practice of  
7 pharmacy. The pharmacist in charge shall conspicuously display  
8 his name in such pharmacy. The pharmacy license shall also be  
9 conspicuously displayed.

10 (6) An owner of a pharmacy shall not establish a quota  
11 related to the duties for which a pharmacist, pharmacist  
12 student, or pharmacy technician is required to perform.

13 (a) For purposes of this subsection:

14 "Quota" means a fixed number or formula related to the  
15 duties for which a pharmacist, pharmacist student, or  
16 pharmacy technician license is required, against which the  
17 pharmacy or its agent measures or evaluates the number of  
18 times either a pharmacist, a pharmacist student, or  
19 pharmacy technician, performs tasks or provides services  
20 while on duty. "Quota" includes a fixed number or formula  
21 related to any of the following:

22 (i) prescriptions filled;

23 (ii) services rendered to patients;

24 (iii) programs offered to patients; or

25 (iv) revenue obtained.

26 "Quota" does not mean:

1           (i) a measurement of the revenue earned by a  
2           particular pharmacy not calculated in relation to, or  
3           measured by, the tasks performed, or services provided  
4           by the pharmacists, pharmacist students, or pharmacy  
5           technicians;

6           (ii) an evaluation or measurement of the  
7           competence, performance, or quality of care provided  
8           to patients of a pharmacist, pharmacist student, or  
9           pharmacy technician if the evaluation does not use  
10           quotas; or

11           (iii) any performance metric required by State or  
12           federal regulators that does not use quotas.

13           (b) This subsection does not prohibit a pharmacy from  
14           establishing policies and procedures that assist in  
15           assessing the competency and performance of a pharmacist,  
16           pharmacist student, or pharmacy technician in providing  
17           care to patients if the measurements used are not or do not  
18           include quotas.

19           (c) The Department may take enforcement action against  
20           a pharmacy that does not comply with this subsection  
21           unless, by clear and convincing evidence, the pharmacy  
22           demonstrates that the violation was contrary to its  
23           policy.

24           (Source: P.A. 100-497, eff. 9-8-17.)