

F I N A L R E P O R T

PRESCRIPTION DRUG DISPENSING PRACTICES SUBCOMMITTEE
OF THE
SENATE AND HOUSE COMMITTEES ON HUMAN RESOURCES

January, 1981

The Legislative Council approved the creation of the Committee on Prescription Drug Dispensing Practices pursuant to the mandate in Senate File 2070 (1980) which established the Committee's membership from the Senate and House Committees on Human Resources and from representatives of six state professional examining boards. The membership of the Committee is as follows:

Senator Clarence Carney, Co-chairperson
Representative Larry Kirkslager, Co-chairperson
Senator Charles P. Miller
Senator Sue Yenger
Representative Thomas Lind
Representative Joyce Lonergan
Mr. Max Eggleston, Member, Board of Pharmacy Examiners
Dr. Joseph A. Graham, Member, Iowa Board of Veterinary Medical Examiners
Dr. Frederick V. Hetzler, Member, Iowa State Board of Medical Examiners
Dr. Clarence Hosford, Member, Board of Dentistry Examiners
Ms. Lynne M. Illes, Executive Director, Iowa Board of Nursing
Dr. Ray Samuel, Member, Board of Podiatry Examiners

The Committee's mandate under Senate File 2070 (1980) was to study prevailing prescription drug dispensing practices, the laws governing those practices and the opinion of the Attorney General to the Secretary of the Board of Pharmacy Examiners rendered July 5, 1979. The Attorney General's opinion concluded that only physicians, dentists, podiatrists, veterinarians and pharmacists are authorized to dispense, i.e., deliver take-home dosages of prescription drugs, to patients. The opinion also concluded that drug dispensing tasks cannot be delegated to assistants. In order to clarify the legality of current dispensing and delegation practices Senate File 2070 (1980) reinstated the interpretation of the dispensing and delegation law prior to the Attorney General's opinion, until the time that legislation is enacted to affirm or modify the Attorney General's opinion.

The Committee held a two-day meeting on September 3 and 4, 1980. At the Committee's first meeting the following presentations were given:

1. Osteopathic physician dispensing and delegation by Dr. J. H. Hannum, D.O., Iowa Society of Osteopathic Physicians and Surgeons.

2. Osteopathic physician dispensing and delegation by Dr. Thomas R. Wolf, D.O.
3. Medical physician dispensing and delegation by Dr. John Compton, M.D., Iowa Medical Society.
4. Dispensing and delegation to physician's assistants by Mr. Don Salisbury and Mr. Richard Hall, Physician's Assistants, Iowa Physician's Assistant Society.
5. Dispensing and delegation to nurses by Kay Myers, Executive Director, Iowa Nurses' Association.
6. Dispensing by occupational health nurses by Mrs. Marilyn Shay, R.N., Central Iowa Association of Occupational Health Nurses.
7. Dispensing and delegation by physicians, nurses, physician's assistants and pharmacists by Mr. Thomas Temple, R.Ph., Executive Director of the Iowa Pharmacists Association.
8. Pharmacy education by Mr. Thomas Johnsrud, R.Ph.
9. Physician dispensing and the pharmacy profession by Mr. Vernon H. Benjamin, R.Ph.
10. Dispensing and delegation in hospitals by Mr. Richard W. Berglund, Iowa Hospital Association.
11. Physician dispensing and delegation by Dr. Ray Robinson, M.D.
12. Comparative education of pharmacists, nurses, and physician's assistants by Ms. Jane Osterhaus, President of the Student Pharmaceutical Association.

Other written materials were received by the Committee from Mrs. Lynne Illes, Committee member, Dr. John E. Gustafson, M.D., Mr. R. J. Nedrow, R.Ph., and Dr. C. Boyd Granberg, Ph.D.

Committee deliberation concluded that the issue of labeling, packaging, and record-keeping should be separated from the dispensing issue. The Committee requested unanimously that a resolution be drafted to be sent to the Iowa State Board of Medical Examiners urging the Board to adopt rules relating to the labeling, packaging, and record-keeping of prescription drugs and controlled substances dispensed by physicians.

The Committee directed the Legislative Service Bureau to draft legislation authorizing pharmacists and physicians to delegate nonjudgmental tasks relating to the dispensing of prescription drugs and controlled substances to assistants.

Upon reconvening the second day, the Committee adopted unanimously the final draft of the labeling resolution to be sent to the Iowa State Board of Medical Examiners. A copy of the resolution is attached to this report.

The Committee considered the draft legislation on delegation, the substantive portion of which reads as follows: "A practitioner or a pharmacist may delegate nonjudgmental tasks related to the dispensing of prescription drugs and controlled substances, such as typing labels, counting dosage units, pouring liquids, and handing prescriptions to patients, to assistants." Discussion centered around the issue of whether a pharmacist or physician should be required to be present at the time of the dispensing. Upon a motion to adopt the legislation the vote was one in favor, ten opposed.

Committee deliberation also focused upon the possible resolution of the dispensing and delegation issues by the various professions and examining boards. After doubt was expressed that the professions could resolve the issue without a threat of legislation, the Committee adopted unanimously a resolution that representatives of the six examining boards meet within thirty days and attempt to resolve the issues of dispensing and delegation in the best interest of Iowans receiving health care and report to the Human Resources Standing Committees on or before January 12, 1981. A copy of the resolution is attached to this report.

In conclusion the Committee did not recommend a statutory change in the dispensing and delegation law. The Committee took note of the present law as stated in Senate File 2070 (1980) and urged the Iowa State Board of Medical Examiners to promulgate administrative rules controlling the labeling, packaging and record-keeping of prescription drugs and controlled substances by dispensing physicians. In addition, the Committee urged that the six examining boards study and resolve the issues of dispensing and delegation and report their resolution of the issues to the next General Assembly. The Committee contemplated that the resolution could either be administrative or legislative and that failure to resolve the issues by the examining boards might necessitate legislative intervention.

CRC 3776

COMMITTEE RESOLUTION _____

By COMMITTEE ON PRESCRIPTION DRUG DISPENSING PRACTICES

1 WHEREAS, some physicians in Iowa particularly in
2 small communities dispense prescription drugs and
3 controlled substances as part of providing total
4 health care to their patients; and

5 WHEREAS, there is a need for uniformity in dis-
6 pensing practices including container requirements,
7 labeling and record keeping; NOW THEREFORE,

8 BE IT RESOLVED BY THE COMMITTEE ON PRESCRIPTION DRUG
9 DISPENSING PRACTICES, That the Committee urges the
10 State Board of Medical Examiners to promulgate admin-
11 istrative rules regarding the labeling, packaging
12 and keeping of records for prescription drugs including
13 controlled substances dispensed by physicians and
14 surgeons under the jurisdiction of the board; and

15 BE IT FURTHER RESOLVED, That the rules shall be
16 compatible with rules of the Board of Pharmacy Ex-
17 aminers and shall encompass the following areas:

18 1. Federal packaging rules require that the container
19 meet the requirements of the Poison Prevention Packaging
20 Act of 1970 unless otherwise requested by the patient.

21 2. Labeling rules shall require the label affixed
22 to the container include the patient's name, the
23 practitioner's name and address, the date of the
24 prescription order, directions for administering
25 the drug or substance and any precautionary statements
26 deemed appropriate by the practitioner, the name and
27 strength of the prescription drugs or controlled sub-
28 stance and any statement issued by the U.S. Food and
29 Drug Administration regarding the ineffectiveness of
30 the drug or substance.

1 3. Record keeping rules shall require that all in-
2 formation required on the label be included on the patient's
3 record or chart.

4 BE IT FURTHER RESOLVED, That the rules shall include
5 adequate inspection and enforcement provisions; and

6 BE IT FURTHER RESOLVED, That the Committee requests
7 that the notice of intended action on the rules as
8 required by section 17A.4, subsection 1 of the Code be
9 submitted to the administrative rules coordinator by
10 January 1, 1981

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COMMITTEE RESOLUTION _____

By COMMITTEE ON PRESCRIPTION DRUG DISPENSING PRACTICES

1 WHEREAS, there is a need for study and resolution
2 of issues concerning prescription drug and controlled
3 substances dispensing and the delegation of that
4 dispensing function; and

5 WHEREAS, study and resolution of the issue by the
6 affected professions is most desirable at this time;
7 NOW THEREFORE,

8 BE IT RESOLVED BY THE COMMITTEE ON PRESCRIPTION DRUG DISPENSING
9 PRACTICES, That representatives of the board of pharmacy
10 examiners, the board of medical examiners, the board
11 of dentistry examiners, the board of nurse examiners, the
12 board of podiatry examiners, and the board of veterinary
13 examiners, chosen by the respective boards, shall meet
14 within the next thirty days and attempt to resolve the
15 issues of prescription drug and controlled substances
16 dispensing and the delegation of that dispensing function;

17 BE IT FURTHER RESOLVED, That the representatives of
18 the boards shall report to the senate and house of
19 representatives standing committees on human resources
20 on or before January 12, 1981 regarding the resolution of
21 the issues in the best interest of Iowans receiving
22 health care.

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