



# MONTANA PHARMACY TODAY

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## SENATE BILL 112

### NEW LAW ALLOWING LIMITED PRESCRIBING AUTHORITY FOR MONTANA PHARMACIST IN PLACE - MPA PROVIDING PROTOCOL GUIDELINES FOR MEMBERS

Good news! The Montana Board of Pharmacy published their final administrative rules implementing Senate Bill 112 that was advanced by MPA in the 2023 legislative session. This new law, effective December 23, 2023, allows for independent prescribing authority for pharmacists in limited situations.

#### LEGAL HIGHLIGHTS OF SB 112:

- A MT pharmacist may prescribe a drug or device provided a patient-prescriber relationship is established through a documented patient evaluation that:
  - o Establishes a diagnosis, if the drug or device is being prescribed, and
  - o Identifies underlying conditions & contraindications to the treatment.
- Pharmacist's prescribing authority is limited to drugs and devices that:
  - o Do not require a new diagnosis.
  - o Are minor and generally self-limiting.
  - o Are diagnosed by or for which clinical decisions are made using a federally approved test.
- A pharmacist can bill only for assessment services that were necessary, based on the pharmacist's professional judgment and a pharmacist may not prescribe a controlled substance or an abortion-inducing drug as that term is defined in Montana Law 50-20-703.
- A pharmacist prescribing a drug or device pursuant to SB 112 shall:
  - o Recognize the limits of the pharmacist's knowledge & experience.
  - o Maintain documentation sufficient to justify the care provided.

SB 112 does not apply to pharmacists who operate within a collaborative practice agreement.

#### IDAHO PASSED A SIMILAR LAW WHAT ARE THEIR EXPERIENCES?

- Offering as a walk-in service
- Provides an affordable option for care even outside of normal business hours
- Fill in access gaps in rural locations
- Added job satisfaction & added revenue source for pharmacies
- Most often requested services in Idaho are UTI, cold sore, strep testing and birth control services
- Cash for service- around \$35 and they also accept insurance where we have contracting in place
- Patient satisfaction
- Filling the gaps for college towns & travelers

#### SB 112 PROTOCOL GUIDELINES FOR MPA MEMBERS

Many Montana pharmacists have requested examples of sample protocol guidelines for SB 112. To meet this need MPA is providing examples of protocols to paid members. Just go to the MPA Website and click on the Resource Button and then go to the Member Only Services Area. ■

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## CONGRATULATION MPA AWARD WINNERS!!

### CARLY THOMASON OF DILLON PHARMACY TECHNICIAN AWARD WINNER



Carly Thomason, a pharmacy technician with Barrett Hospital & Healthcare in Dillon is this year's Montana Pharmacy Technician of the Year Award.

Colleagues who nominated Carly had this to say about her accomplishments, "Carly is an outstanding technician who takes her job seriously and goes above and beyond what is asked of her. At our

facility, Carly keeps the rest of us on track and is the glue that holds us together!"

They also noted Carly manages medication procurements and takes extra time to maximize savings. Additionally, they complimented Carly for, "staying informed of the drug shortages which have plagued every hospital and paying attention to information put out by drug vendors to anticipate shortages."

On a personal level Carly is a member of the Ramblin' Rose Equestrian Drill Team that performs at rodeos and competitions throughout the summer. Carly also keeps busy supporting her daughter Oakly with dance and her horse French Fry.

### WILLIAM ROTTER OF LIVINGSTON WINS DISTINGUISHED YOUNG PHARMACIST AWARD



William Rotter, a pharmacist with the Livingston Community Pharmacy at Community Health Partners was selected as the winner of the MPA Distinguished Young Pharmacist Award. This award is presented annually to a pharmacist who exemplifies professionalism, leadership and is a role model to their peers.

Those who nominated William explained, "William Rotter has been involved in championing initiatives such as promoting immunizations to the community,

MTM, and medication reconciliation. Livingston Community Pharmacy provides an essential service to the town of Livingston, and Will plays a pivotal role in the success of this pharmacy — not only with his extensive knowledge in both clinical and administrative areas, but more importantly, with his dedication to excellence in patient care." They added, "Currently, Will is spearheading the development of a Hepatitis C program aimed at providing essential therapy to patients who might otherwise struggle to access it."

At the local level Will is a volunteer firefighter, where he holds certifications as an Engine Boss (Wildland Fire Certification) and FFT 1 (structure fire certification).





## ERIN ELLINGSON OF SIDNEY RECEIVES PHARMACIST OF THE YEAR AWARD



MPA is pleased to announce that Erin Ellingson, a pharmacist with Sidney Health received the association's "Fitzgerald Pharmacist of the Year Award." The "Pharmacist of the Year" award is presented annually by MPA to a pharmacist who has demonstrated leadership and service to the pharmacy profession.

Erin was recognized by MPA Chair Kristin Dimond who read the glowing

comments from those who submitted the nomination, including, "Erin works side-by-side with our oncologist and the team and is

instrumental in the care that our patients receive. From consulting on CNS penetration of different medications to treat certain cancers, to helping develop treatment plans that provide better patient outcomes, it would be impossible to find a professional that is more dedicated to the care of patients in any geography than Erin."

Further comments included, "Erin comes in well before her shift starts and organizes educational programming for the staff, coordinates care with insurance companies and helps make sure that the patients each receive a healthy dose of individual attention as they struggle through the toughest times of their lives."

It was noted Erin is the mother of two that keeps her more than busy with Hockey and Rodeo.

## HAYLEY BLACKBURN OF MISSOULA RECEIVES BOWL OF HYGEIA AWARD



Hayley Blackburn, PharmD, BCACP, BC-ADM with the University of Montana Skaggs School of Pharmacy received the prestigious, "Bowl of Hygeia Award," at this year's Annual MPA Awards Ceremony in Fairmont.

Hayley was recognized during the association's 2024 annual award banquet by Donna Beall, Dean of the U of M Skaggs School of Pharmacy and MPA Board Member

who stated, "Hayley was monumental in the initiation of the new Skaggs Institute for Health Innovation (SIHI), a statewide hub for health education, research, and outreach to improve access to emerging health innovations for underserved populations, where she currently serves as the assistant director for the program." She added, "Hayley is also passionate about the health effects associated with climate change and she is the co-founder of Rx for Climate Global Pharmacy Alliance."

Donna noted that in addition to being a top-notch pharmacist and educator, that Hayley strives to promote harm reduction measures for persons struggling with illicit and prescription drug use disorder by being an active member of the Missoula Rx Drug Taskforce, and serving on the Board of Directors for Open Aid Alliance as their secretary. In addition, she is the faculty advisor for UM Students for Sensible Drug Policy. She also serves on the board of directors for SIMS-MT and Montana Health Professionals for a Healthy Climate.

The "Bowl of Hygeia" Award is presented annually by participating pharmacy associations in each of the fifty states, the District of Columbia, Puerto Rico, and the ten Canadian provinces. The recipients are selected by their respective associations for their outstanding record of community service. The first Montana Bowl of Hygeia was awarded in 1959 to John J. Downey of Butte. ■



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## MONTANA PHARMACY ASSOCIATION LIKE US ON FACEBOOK

The Montana Pharmacy Association has a Facebook page, available through the Association's website at [www.rxmt.org](http://www.rxmt.org). This MPA feature serves as a popular and easy way for members and anyone interested in Montana pharmacy related issues to stay connected. We hope you will join us!

## ATTENTION PHARMACISTS:

# Know the 5 common coverage gaps that could cost you your career.

With its fast pace and massive volume of medications, the pharmacy profession is ripe for claims and litigation. If you think your employer's coverage will protect you in the event of an error (actual or alleged), complaint, or legal claim, consider the following:

**GAP #1: Employer coverage is designed to protect the company first, pharmacists second.** Nothing personal, it's just a matter of dollars and cents.

**GAP #2: Your employer's coverage may only be effective at your place of employment.**

If you have a second job, volunteer, or give advice to a neighbor, you'll be on your own.

**GAP #3: If a court judgment exceeds your employer's limits, you may be responsible for paying the difference.** That could cost you tens of thousands of dollars.

**GAP #4: Employer insurance may not help when a patient files a complaint to the Board of Pharmacy.**

This could put you at risk of a disciplinary action without proper representation.


**GAP #5: You may be fully responsible for suits against you if you leave that company.**


This is especially true if your employer uses a claims-made based policy.



### Protect your assets, your license, and your reputation.

Individual pharmacist professional liability from Pharmacists Mutual picks up where typical employer insurance stops. Tailored specifically to you, it's peace of mind protection that covers common gaps.

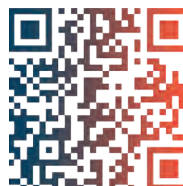
 **What it covers:** Immunizations and other drug administration, drug research, medication consultation, drug and device storage, Good Samaritan acts, defendant expense benefit, sexual and physical abuse defense, and more.

 **Who it covers:** Over 110 years of experience protecting all pharmacists: retail, compounding, hospital, student, volunteer, self-employed, and more.



See policy for full description of coverages.

For a free proposal: 800.247.5930



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# MONTANA PHARMACY TODAY



## MONTANA BOARD OF PHARMACY UPDATES

### FINAL RULE IMPLEMENTING 2023 LEGISLATION – SB 112 PHARMACIST PRESCRIBING AUTHORITY, EFFECTIVE 12/23/2023

On December 22, 2023, the Montana Board of Pharmacy published a final rule implementing 2023 legislation SB 112, that allows for independent prescribing authority for pharmacists in limited situations. This means that pharmacists can prescribe pursuant to the limitations and requirements outlined in:

- Statute: 37-7-106, MCA, Pharmacist Prescribing Authority – Exceptions, and
- Rule: ARM 24.174.505, Pharmacist Prescribing: General Requirements

The final rule, MAR 24-124-80, responds to comments received, adopts New Rule I (ARM 24.174.505) exactly as proposed, and became effective December 23, 2023.

The adopted final rule text is currently available in the proposed rule and will eventually be listed online with the other Board rules. The final rule is also available in the unofficial version of the Board's rules posted online. All rule information can be found at [www.pharmacy.mt.com](http://www.pharmacy.mt.com) then click Regulations.

Additional summary/FAQ information will be available soon on the Board's webpage. For more information, please contact Marcie Bough, PharmD, Executive Officer, at 406-841-2371, or [dlibsdpha@mt.gov](mailto:dlibsdpha@mt.gov)

### NALOXONE STANDING ORDER 2024

On January 1, 2024, the Montana Department of Public Health and Human Services (DPHHS) issued 2024 Montana Statewide Standing Order for Naloxone Opioid Antagonist, posted on the Board of Pharmacy's webpage at [www.pharmacy.mt.gov](http://www.pharmacy.mt.gov). Additional information from DPHHS opioids, overdose, naloxone

access, and fentanyl test strips are available <https://dphhs.mt.gov/amdd/naloxone/>.

### 2023 LEGISLATION EXPANDING AUTHORITY FOR NATUROPATHIC PHYSICIANS AND MIDWIVES

The Board of Alternative Health Care issued a final rule, MAR 24-111-28, implementing 2023 legislation regarding amendments to prescribing authority listed below. The Board of Pharmacy is implementing new dispensing authority with no rulemaking:

- Naturopathic Physician Prescribing: SB 100 expands naturopathic physician prescribing authority, effective August 27, 2023. This legislation removed the terms "natural" and "natural substances" from the formulary list restrictions. The final rule amends the formulary list to accommodate the authority for all legend drugs and other items, except for those drugs listed in rule. For additional details, see ARM 24.111.511, Naturopathic Physician Formulary List.
- Midwives: HB 392 creates an endorsement for midwives authorizing them to obtain and administer an expanded list of drugs, effective October 1, 2023. This rule includes the purchase of certain drugs from wholesale drug distributors and pharmacies licensed by the Board of Pharmacy. This authority does not impact certified nurse midwives licensed by the Board of Nursing. See rules ARM 24.111.614 – 616, for additional details on educational requirements; obtaining, storing, and disposing of drugs; and use of formulary drugs.
- Naturopathic Physician Dispensing: the 2023 Legislature also passed SB 101, authorizing naturopathic physicians to dispense medications directly to their own patients using a Medical Practitioner Dispenser registration issued by the Board of Pharmacy. This legislation adds naturopathic physicians, pursuant to their formulary list, to the dispensing requirements and restrictions in place for medical practitioners. See below statutes and rules for details:
  - o 37-2-104(1-9), MCA, Prescribing and Dispensing of Drugs
  - o ARM 24.174.1801 through 1803, Medical Practitioner Dispensing ■





## MONTANA PRESCRIPTION DRUG REGISTRY (MPDR) UPDATES

The MPDR is Montana's prescription monitoring program where authorized healthcare providers can view controlled substance prescriptions dispensed to patients by Montana licensed pharmacies to improve patient safety. The MPDR uses **PMP AWARe** for searching patient medication reports, **PMP Clearinghouse** for prescription data submission, and **PMP Gateway** for MPDR integration with health information systems (HIS).

PMP AWARe contains clinical tools to help evaluate a patient medication report, including NarxCare scores and graphs. The display and content of these scores and graphs will be updated on December 6, 2023. Please visit MPDR NarxCare Fact Sheet for details on this new version of NarxCare. Also, a new "Notice" feature in PMP AWARe has been enabled to allow for secure one-way messaging from a PMP AWARe user to the MPDR administrator. Use this "Notice" to message the administrator quickly and securely with any concerns such as patient matching issues or missing information. To access this feature while logged into the MPDR, navigate to Menu, then Notices, and select New Notice.

Through a continued collaboration with the Montana Department of Public Health and Human Services (DPHHS), we are excited to announce that PMP Gateway fees will remain covered for Montana healthcare facilities and pharmacies at least through August 2028. More than 200 facilities and pharmacies have taken advantage of one-click access to MPDR information. For more details on MPDR integration, including how to request access, visit <https://boards.bsd.dli.mt.gov/pharmacy/mpdr/users/ehr-integration>.

Lastly, pharmacists and pharmacy technicians can take advantage of a free 1-hour ACPE accredited educational opportunity on prescription monitoring data integrity. The National Association of State Controlled Substance Authorities (NASCSA) and Talem Health are offering this education for pharmacy staff on the impact they can have on improving prescription monitoring program data quality, available at <https://ce.talemhealth.com/a/HLQIJS>.

Please visit [www.mpdr.mt.gov](http://www.mpdr.mt.gov) for more information about the MPDR program or contact the MPDR administrator at [dlibsdmpdr@mt.gov](mailto:dlibsdmpdr@mt.gov). ■

## STUDENT CORNER

UM Pharmacy students attended the 2024 MPA winter CE and Ski at Fairmont January 19-21. The students were involved in introducing speakers and providing a CE code to participants following each talk. In addition, Addie Walley (P2) and Conor Abel (P2) presented research posters during the social hour Friday evening. Overall, the students had a great time engaging with speakers and other members of the pharmacy community. Upcoming student events include a student led blood pressure 'how to' clinic, Kappa Psi Spring Formal, and volunteering at the JDRF One Walk on April 28th in Missoula. Go Griz! ■



## LAW ENFORCEMENT ACCESS TO PROTECTED HEALTH INFORMATION – WHAT’S YOUR POLICY?

By Trenton Thiede, PharmD, MBA, President at PAAS National®, expert third party audit assistance, FWA/HIPAA & USP 800 compliance

Understanding and adhering to the HIPAA Privacy Rule is required for covered entities who handle protected health information (PHI), but because the Privacy Rule was designed to be flexible, implementation of policies and procedures to meet the Privacy Rules can vary from covered entity to covered entity. Look no further than the December 12, 2023 letter<sup>1</sup> from the United States Senate Committee on Finance (herein, “The Committee”) for evidence of this variation and how it can seriously impact the privacy of sensitive patient data.

In the December letter drafted to Xavier Becerra, Secretary of the U.S. Department of Health & Human Services, The Committee outlined the results of their oversight inquiry into the seven largest pharmacy chains (CVS Health, Walgreens Boots Alliance, Cigna, Optum Rx, Walmart Stores, Inc., The Kroger Company, and Rite Aid Corporation), and Amazon Pharmacy. The inquiry focused on obtaining briefings from the major pharmacy chains about their policies and procedures for releasing PHI to law enforcement agencies. Below is a general overview of the findings:

- Five pharmacy corporations had policies that would require a law enforcement agency’s demand for PHI to be reviewed by legal professionals before responding.
- The remaining three pharmacy corporations had policies that put “extreme pressure” on the pharmacy staff to respond to the inquiries immediately and stated their pharmacy staff “are trained to respond to such requests and can contact the legal department if they have questions.”
- None of the pharmacy corporations required warrants to share information with law enforcement agencies, unless required by state law.
- Pharmacies would turn over PHI to a law enforcement agency when presented with a subpoena (“which often do not have to be reviewed or signed by a judge prior to being issued”)
- Only CVS Health published annual transparency reports on the records requests from law enforcement.

- Patients already have the right to know who is accessing their health information through the HIPAA Accounting of Disclosure process, but the obligation is on the patient or their authorized representative to request the appropriate information from the covered entity; since this patient right is not well known in the general patient population it leads to a very small number of disclosure requests annually

The Committee urged the Secretary to strengthen HIPAA Privacy regulations to better protect PHI, and referenced a 2010 decision<sup>2</sup> from the Federal Court of Appeals which protected the privacy of emails and would require a warrant before providers such as Google, Yahoo, and Microsoft could release customer data.

What does this mean for independent pharmacies? As stated in The Committee’s letter, “These findings underscore that not only are there real differences in how pharmacies approach patient privacy at the pharmacy counter, but these differences are not visible to the American people.” Also, “Proactively notifying customers about any patient record disclosures to law enforcement that impact their medical records, except where prohibited by a non-disclosure or “gag” order issued by a judge, would be a major step forward in patient transparency.” ■

### PAAS TIPS:

- Ensure your pharmacy has a written policy and procedure detailing the actions to take if presented with a demand for PHI from a law enforcement agency.
- All documentation related to HIPAA practices must be maintained for a minimum of six years after the last effective date.

PAAS National® is committed to serving community pharmacies and helping keep hard-earned money where it belongs. Contact PAAS today at (608) 873-1342 or [info@paasnational.com](mailto:info@paasnational.com) to see why PAAS’ FWA/HIPAA Compliance Program membership might be right for you.





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### Calendar of Events

**April 19, 2024:** MPA Health-Systems Academy  
Spring Seminar at Benefis in Great Falls

**May 30-June 2, 2024:** NW Pharmacy Convention,  
Coeur d'Alene Resort

**September TBD:** MPA Board Meeting and Student  
Meet and Greet

**October 1:** MPA Dues Renewal

**January 17-19, 2025:** MPA Winter CE, Fairmont  
Resort

### 2024 Continuing Education Offerings

**NW Conference, Coeur d'Alene Resort**  
May/June, 2024