House Engrossed

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 121

HOUSE BILL 2255

AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1973; RELATING TO THE STATE BOARD OF PHARMACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 32, chapter 18, article 3, Arizona Revised Statutes, is amended by adding section 32-1973, to read:

32-1973. Pharmacies; quality assurance

A. AS PRESCRIBED BY THE BOARD BY RULE, EACH PHARMACY SHALL IMPLEMENT OR PARTICIPATE IN A CONTINUOUS QUALITY ASSURANCE PROGRAM TO REVIEW PHARMACY PROCEDURES IN ORDER TO IDENTIFY METHODS FOR ADDRESSING PHARMACY MEDICATION ERRORS. THE RULES SHALL PRESCRIBE REQUIREMENTS TO DOCUMENT COMPLIANCE AND ANY OTHER PROVISIONS NECESSARY FOR THE ADMINISTRATION OF THE PROGRAM.

B. RECORDS THAT ARE GENERATED AS A COMPONENT OF A PHARMACY'S ONGOING QUALITY ASSURANCE PROGRAM AND THAT ARE MAINTAINED FOR THAT PROGRAM ARE PEER REVIEW DOCUMENTS AND ARE NOT SUBJECT TO SUBPOENA OR DISCOVERY IN AN ARBITRATION OR CIVIL PROCEEDING. THIS SUBSECTION DOES NOT PROHIBIT A PATIENT FROM ACCESSING THE PATIENT'S PRESCRIPTION RECORDS OR AFFECT THE DISCOVERABILITY OF ANY RECORDS THAT ARE NOT GENERATED ONLY AS A COMPONENT OF A PHARMACY'S ONGOING QUALITY ASSURANCE PROGRAM AND MAINTAINED ONLY FOR THAT PROGRAM.

C. A PHARMACY MEETS THE REQUIREMENTS OF THIS SECTION IF IT HOLDS A CURRENT GENERAL, SPECIAL OR RURAL GENERAL HOSPITAL LICENSE FROM THE DEPARTMENT OF HEALTH SERVICES AND IS ANY OF THE FOLLOWING:

1. CERTIFIED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES TO PARTICIPATE IN THE MEDICARE OR MEDICAID PROGRAMS.

2. ACCREDITED BY THE JOINT COMMISSION ON THE ACCREDITATION OF HEALTH CARE ORGANIZATIONS.

3. ACCREDITED BY THE AMERICAN OSTEOPATHIC ASSOCIATION.

Sec. 2. Pharmacies; quality assurance program; initial rules

Before the Arizona state board of pharmacy adopts initial rules pursuant to section 32-1973, Arizona Revised Statutes, as added by this act, the Arizona state board of pharmacy shall appoint an advisory committee to advise the board regarding the proposed rules. The advisory committee shall include representatives from the following:

1. An association that represents pharmacists.
2. An association that represents pharmacies.
3. A health services administration.
4. A hospital association.
5. A health care association.
6. A health system that represents hospital pharmacists.

APPROVED BY THE GOVERNOR APRIL 24, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2007.