

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7 (Section scheduled to be repealed on January 1, 2018)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, podiatrists, or  
17 optometrists, within the limits of their licenses, are  
18 compounded, filled, or dispensed; or (3) which has upon it or  
19 displayed within it, or affixed to or used in connection with  
20 it, a sign bearing the word or words "Pharmacist", "Druggist",  
21 "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore",  
22 "Medicine Store", "Prescriptions", "Drugs", "Dispensary",  
23 "Medicines", or any word or words of similar or like import,

1 either in the English language or any other language; or (4)  
2 where the characteristic prescription sign (Rx) or similar  
3 design is exhibited; or (5) any store, or shop, or other place  
4 with respect to which any of the above words, objects, signs or  
5 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 (1) the interpretation and  
2 the provision of assistance in the monitoring, evaluation, and  
3 implementation of prescription drug orders; (2) the dispensing  
4 of prescription drug orders; (3) participation in drug and  
5 device selection; (4) drug administration limited to the  
6 administration of oral, topical, injectable, and inhalation as  
7 follows: in the context of patient education on the proper use  
8 or delivery of medications; vaccination of patients 14 years of  
9 age and older pursuant to a valid prescription or standing  
10 order, by a physician licensed to practice medicine in all its  
11 branches, upon completion of appropriate training, including  
12 how to address contraindications and adverse reactions set  
13 forth by rule, with notification to the patient's physician and  
14 appropriate record retention, or pursuant to hospital pharmacy  
15 and therapeutics committee policies and procedures; (5)  
16 vaccination of patients ages 10 through 13 limited to the  
17 Influenza (inactivated influenza vaccine and live attenuated  
18 influenza intranasal vaccine) and Tdap (defined as tetanus,  
19 diphtheria, acellular pertussis) vaccines, pursuant to a valid  
20 prescription or standing order, by a physician licensed to  
21 practice medicine in all its branches, upon completion of  
22 appropriate training, including how to address  
23 contraindications and adverse reactions set forth by rule, with  
24 notification to the patient's physician and appropriate record  
25 retention, or pursuant to hospital pharmacy and therapeutics  
26 committee policies and procedures; (6) drug regimen review; (7)

1 ~~(6)~~ drug or drug-related research; (8) ~~(7)~~ the provision of  
2 patient counseling; (9) ~~(8)~~ the practice of telepharmacy; (10)  
3 ~~(9)~~ the provision of those acts or services necessary to  
4 provide pharmacist care; (11) ~~(10)~~ medication therapy  
5 management; and (12) ~~(11)~~ the responsibility for compounding  
6 and labeling of drugs and devices (except labeling by a  
7 manufacturer, repackager, or distributor of non-prescription  
8 drugs and commercially packaged legend drugs and devices),  
9 proper and safe storage of drugs and devices, and maintenance  
10 of required records. A pharmacist who performs any of the acts  
11 defined as the practice of pharmacy in this State must be  
12 actively licensed as a pharmacist under this Act.

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

1 disease, or condition for which the drug or device is being  
2 prescribed. DEA numbers shall not be required on inpatient drug  
3 orders.

4 (f) "Person" means and includes a natural person,  
5 copartnership, association, corporation, government entity, or  
6 any other legal entity.

7 (g) "Department" means the Department of Financial and  
8 Professional Regulation.

9 (h) "Board of Pharmacy" or "Board" means the State Board of  
10 Pharmacy of the Department of Financial and Professional  
11 Regulation.

12 (i) "Secretary" means the Secretary of Financial and  
13 Professional Regulation.

14 (j) "Drug product selection" means the interchange for a  
15 prescribed pharmaceutical product in accordance with Section  
16 25 of this Act and Section 3.14 of the Illinois Food, Drug and  
17 Cosmetic Act.

18 (k) "Inpatient drug order" means an order issued by an  
19 authorized prescriber for a resident or patient of a facility  
20 licensed under the Nursing Home Care Act, the ID/DD Community  
21 Care Act, the Specialized Mental Health Rehabilitation Act, or  
22 the Hospital Licensing Act, or "An Act in relation to the  
23 founding and operation of the University of Illinois Hospital  
24 and the conduct of University of Illinois health care  
25 programs", approved July 3, 1931, as amended, or a facility  
26 which is operated by the Department of Human Services (as

1 successor to the Department of Mental Health and Developmental  
2 Disabilities) or the Department of Corrections.

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

6 (l) "Pharmacist in charge" means the licensed pharmacist  
7 whose name appears on a pharmacy license and who is responsible  
8 for all aspects of the operation related to the practice of  
9 pharmacy.

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

24 (n) "Nonresident pharmacy" means a pharmacy that is located  
25 in a state, commonwealth, or territory of the United States,  
26 other than Illinois, that delivers, dispenses, or distributes,

1 through the United States Postal Service, commercially  
2 acceptable parcel delivery service, or other common carrier, to  
3 Illinois residents, any substance which requires a  
4 prescription.

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

21 (p) (Blank).

22 (q) (Blank).

23 (r) "Patient counseling" means the communication between a  
24 pharmacist or a student pharmacist under the supervision of a  
25 pharmacist and a patient or the patient's representative about  
26 the patient's medication or device for the purpose of

1 optimizing proper use of prescription medications or devices.  
2 "Patient counseling" may include without limitation (1)  
3 obtaining a medication history; (2) acquiring a patient's  
4 allergies and health conditions; (3) facilitation of the  
5 patient's understanding of the intended use of the medication;  
6 (4) proper directions for use; (5) significant potential  
7 adverse events; (6) potential food-drug interactions; and (7)  
8 the need to be compliant with the medication therapy. A  
9 pharmacy technician may only participate in the following  
10 aspects of patient counseling under the supervision of a  
11 pharmacist: (1) obtaining medication history; (2) providing  
12 the offer for counseling by a pharmacist or student pharmacist;  
13 and (3) acquiring a patient's allergies and health conditions.

14 (s) "Patient profiles" or "patient drug therapy record"  
15 means the obtaining, recording, and maintenance of patient  
16 prescription information, including prescriptions for  
17 controlled substances, and personal information.

18 (t) (Blank).

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



1 be a licensed pharmacy.

2 (v) "Unique identifier" means an electronic signature,  
3 handwritten signature or initials, thumb print, or other  
4 acceptable biometric or electronic identification process as  
5 approved by the Department.

6 (w) "Current usual and customary retail price" means the  
7 price that a pharmacy charges to a non-third-party payor.

8 (x) "Automated pharmacy system" means a mechanical system  
9 located within the confines of the pharmacy or remote location  
10 that performs operations or activities, other than compounding  
11 or administration, relative to storage, packaging, dispensing,  
12 or distribution of medication, and which collects, controls,  
13 and maintains all transaction information.

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

26 (z) "Electronic transmission prescription" means any

1 prescription order for which a facsimile or electronic image of  
2 the order is electronically transmitted from a licensed  
3 prescriber to a pharmacy. "Electronic transmission  
4 prescription" includes both data and image prescriptions.

5 (aa) "Medication therapy management services" means a  
6 distinct service or group of services offered by licensed  
7 pharmacists, physicians licensed to practice medicine in all  
8 its branches, advanced practice nurses authorized in a written  
9 agreement with a physician licensed to practice medicine in all  
10 its branches, or physician assistants authorized in guidelines  
11 by a supervising physician that optimize therapeutic outcomes  
12 for individual patients through improved medication use. In a  
13 retail or other non-hospital pharmacy, medication therapy  
14 management services shall consist of the evaluation of  
15 prescription drug orders and patient medication records to  
16 resolve conflicts with the following:

17 (1) known allergies;

18 (2) drug or potential therapy contraindications;

19 (3) reasonable dose, duration of use, and route of  
20 administration, taking into consideration factors such as  
21 age, gender, and contraindications;

22 (4) reasonable directions for use;

23 (5) potential or actual adverse drug reactions;

24 (6) drug-drug interactions;

25 (7) drug-food interactions;

26 (8) drug-disease contraindications;

- 1 (9) identification of therapeutic duplication;
- 2 (10) patient laboratory values when authorized and  
3 available;
- 4 (11) proper utilization (including over or under  
5 utilization) and optimum therapeutic outcomes; and
- 6 (12) drug abuse and misuse.

7 "Medication therapy management services" includes the  
8 following:

- 9 (1) documenting the services delivered and  
10 communicating the information provided to patients'  
11 prescribers within an appropriate time frame, not to exceed  
12 48 hours;
- 13 (2) providing patient counseling designed to enhance a  
14 patient's understanding and the appropriate use of his or  
15 her medications; and
- 16 (3) providing information, support services, and  
17 resources designed to enhance a patient's adherence with  
18 his or her prescribed therapeutic regimens.

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

24 "Medication therapy management services" in a licensed  
25 hospital may also include the following:

- 26 (1) reviewing assessments of the patient's health

1 status; and

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

5 (bb) "Pharmacist care" means the provision by a pharmacist  
6 of medication therapy management services, with or without the  
7 dispensing of drugs or devices, intended to achieve outcomes  
8 that improve patient health, quality of life, and comfort and  
9 enhance patient safety.

10 (cc) "Protected health information" means individually  
11 identifiable health information that, except as otherwise  
12 provided, is:

13 (1) transmitted by electronic media;

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

17 (3) transmitted or maintained in any other form or  
18 medium.

19 "Protected health information" does not include individually  
20 identifiable health information found in:

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

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

25 (dd) "Standing order" means a specific order for a patient  
26 or group of patients issued by a physician licensed to practice

1 medicine in all its branches in Illinois.

2 (ee) "Address of record" means the address recorded by the  
3 Department in the applicant's or licensee's application file or  
4 license file, as maintained by the Department's licensure  
5 maintenance unit.

6 (ff) "Home pharmacy" means the location of a pharmacy's  
7 primary operations.

8 (Source: P.A. 96-339, eff. 7-1-10; 96-673, eff. 1-1-10;  
9 96-1000, eff. 7-2-10; 96-1353, eff. 7-28-10; 97-38, eff.  
10 6-28-11; 97-227, eff. 1-1-12; revised 10-4-11.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.