

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 353

Short Title: Pharmacy Practice Act.

(Public)

Sponsors: Representatives Woodard; and Bowman.

Referred to: State Government.

March 27, 1991

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS TECHNICAL AMENDMENTS TO THE PHARMACY PRACTICE ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-85.5 reads as rewritten:

"§ 90-85.5. Objective of Pharmaceutical Association.

The objective of the Association is to unite the pharmacists of this State for mutual aid, encouragement, and improvement; to encourage scientific research, develop pharmaceutical talent and to evaluate-elevate the standard of professional thought."

Sec. 2. G.S. 90-85.20 reads as rewritten:

"§ 90-85.20. Licensure without examination.

(a) The Board may issue a license to practice pharmacy, without examination, to any person who is licensed as a pharmacist in another jurisdiction if the applicant shall present satisfactory evidence of possessing the same qualifications as are required of licensees in this State, that he was licensed by examination in such other jurisdiction, and that the standard of competence required by such other jurisdiction is substantially equivalent to that of this State at that time. The Board must be satisfied that a candidate for licensure has a satisfactory understanding of the laws governing the practice of pharmacy and distribution of drugs in this State.

(b) ~~An applicant who has taken and failed to pass the examination for licensure in North Carolina after July 1, 1977, shall not be granted reciprocal licensure in this State until having completed at least five years of the practice of pharmacy in another state."~~

Sec. 3. G.S. 90-85.36(a) reads as rewritten:

1       "(a) Except as provided in subsections (b) and (c) below, written prescription  
2 orders on file in a pharmacy or other place where prescriptions are dispensed are not  
3 public records and any person having custody of or access to the prescription orders  
4 may divulge the contents or provide a copy only to the following persons:

- 5           (1) An adult patient for whom the prescription was issued or a person who  
6           is legally appointed guardian of that person;
- 7           (2) An emancipated minor patient for whom the prescription order was  
8           issued or a person who is the legally appointed guardian of that  
9           patient;
- 10          (3) An unemancipated minor patient for whom the prescription order was  
11          issued when the minor's consent is sufficient to authorize treatment of  
12          the condition for which the prescription was issued;
- 13          (4) A parent or person in loco parentis of an unemancipated minor patient  
14          for whom the prescription order was issued when the minor's consent  
15          is not sufficient to authorize treatment for the condition for which the  
16          prescription is issued;
- 17          (5) The licensed practitioner who issued the prescription;
- 18          (6) The licensed practitioner who is treating the patient for whom the  
19          prescription was issued;
- 20          (7) A pharmacist who is providing pharmacy services to the patient for  
21          whom the prescription was issued;
- 22          (8) Anyone who presents a written authorization for the release of  
23          pharmacy information signed by the patient or his legal representative;
- 24          (9) Any person authorized by subpoena, court order or statute;
- 25          (10) Any firm, association, partnership, business trust, corporation or  
26          company charged by law or by contract with the responsibility of  
27          providing for or paying for medical care for the patient for whom the  
28          prescription order was issued;
- 29          (11) A member or designated employee of the Board;
- 30          (12) The executor, administrator or spouse of a deceased patient for whom  
31          the prescription order was issued;
- 32          (13) Researchers and surveyors who have approval from the Board. The  
33          Board shall issue this approval when it determines that there are  
34          adequate safeguards to protect the confidentiality of the information  
35          contained in the prescription orders and that the researchers or  
36          surveyors will not publicly disclose any information that identifies any  
37          person; or
- 38          (14) The person owning the pharmacy or his authorized agent."

39       Sec. 4. This act is effective upon ratification.