

# Online Prescribing, Dispensing, and Facilitation Licensing

This Act enables online prescribing and dispensing drugs. The Act requires a state license to engage in online prescribing, online dispensing, and certain related transactions it defines as Internet facilitation. It establishes requirements for licensing and allows certain online prescribers, online contract pharmacies, and Internet facilitators to continue delivering online pharmaceutical services while their applications for licensure are pending with the state. The legislation establishes duties for a licensed online prescriber, online contract pharmacy, and Internet facilitator. It limits the type of drugs that can be prescribed online.

Submitted as:

Utah

[SB 274 \(Enrolled copy\)](#)

Status: Enacted into law in 2010.

## Suggested State Legislation

(Title, enacting clause, etc.)

1           Section 1. [*Short Title.*] This Act shall be cited as “The Online Prescribing, Dispensing,  
2 and Facilitation Licensing Act.”

3

4           Section 2. [*Definitions.*] As used in this Act:

5           (1) “Board” means the [Online Prescribing, Dispensing, and Facilitation Licensing  
6 Board] created in Section 3.

7           (2) “Branching questionnaire” means an adaptive and progressive assessment tool  
8 approved by the [board].

9           (3) “Delivery of online pharmaceutical services” means the process in which a  
10 prescribing practitioner diagnoses a patient and prescribes one or more of the drugs authorized  
11 by Section 9, using:

12           (a) a branching questionnaire or other assessment tool approved by the [division]  
13 for the purpose of diagnosing and assessing a patient’s health status;

14           (b) an Internet contract pharmacy to dispense the prescribed drug or transfer the  
15 prescription to another pharmacy; and

16           (c) an Internet facilitator to facilitate the practices described in Subsections (3)(a)  
17 and (b).

18           (4) “Division” means the [Division of Occupational and Professional Licensing].

19           (5) “Internet facilitator” means a licensed provider of a web-based system for electronic  
20 communication between and among an online prescriber, the online prescriber’s patient, and the  
21 online contract pharmacy.

22           (6) “Online contract pharmacy” means a pharmacy licensed and in good standing under  
23 [insert citation], as either a [Class A Retail Pharmacy] or a [Class B Closed Door Pharmacy] and  
24 licensed under this Act to fulfill prescriptions issued by an online prescriber through a specific  
25 Internet facilitator.

26           (7) “Online prescriber” means a person:

27           (a) licensed under [insert citation];

28 (b) whose license under [insert citation] includes assessing, diagnosing, and  
29 prescribing authority for humans; and

30 (c) who has obtained a license under this Act to engage in online prescribing.

31 (8) “Unlawful conduct” means conduct, by any person, that is defined as unlawful under  
32 this Act and includes:

33 (a) practicing or engaging in, representing oneself to be practicing or engaging in,  
34 or attempting to practice or engage in any occupation or profession requiring licensure under this  
35 Act if the person is not licensed to do so or not exempted from licensure under this Act or  
36 restricted from doing so by a suspended, revoked, restricted, temporary, probationary, or inactive  
37 license;

38 (b) impersonating another licensee or practicing an occupation or profession  
39 under a false or assumed name, except as permitted by law;

40 (c) knowingly employing any other person to practice or engage in or attempt to  
41 practice or engage in any occupation or profession licensed under this Act if the employee is not  
42 licensed to do so under this Act;

43 (d) knowingly permitting the person’s authority to practice or engage in any  
44 occupation or profession licensed under this Act to be used by another, except as permitted by  
45 law;

46 (e) obtaining a passing score on a licensure examination, applying for or obtaining  
47 a license, or otherwise dealing with the [division] or a [licensing board] through the use of fraud,  
48 forgery, or intentional deception, misrepresentation, misstatement, or omission;

49 (f) (I) issuing, or aiding and abetting in the issuance of, an order or  
50 prescription for a drug or device to a person located in this state:

51 (A) without prescriptive authority conferred by a license issued  
52 under this Act, or by an exemption to licensure under this Act; or

53 (B) with prescriptive authority conferred by an exception issued  
54 under this Act or a multistate practice privilege recognized under this Act if the prescription was  
55 issued without first obtaining information, in the usual course of professional practice, that is  
56 sufficient to establish a diagnosis, to identify underlying conditions, and to identify  
57 contraindications to the proposed treatment; and

58 (II) Subsection (8)(f)(I) does not apply to treatment rendered in an  
59 emergency, on-call or cross coverage situation, provided that the person who issues the  
60 prescription has prescriptive authority conferred by a license under this Act, or is exempt from  
61 licensure under this Act.

62 (g) engaging in the practice of Internet prescribing without a license under this  
63 Act.

64 (h) online prescribing, dispensing or facilitating of a legend drug not authorized  
65 by the [division] in accordance with Section 9; or

66 (i) online prescribing, dispensing or facilitating of a controlled substance.

67 (9) “Unprofessional conduct” means conduct, by a licensee or applicant, that is defined as  
68 unprofessional conduct under this Act or under any rule adopted under this Act and includes:

69 (a) violating, or aiding or abetting any other person to violate, any statute, rule, or  
70 order regulating an occupation or profession under this Act;

71 (b) violating, or aiding or abetting any other person to violate, any generally  
72 accepted professional or ethical standard applicable to an occupation or profession regulated  
73 under this Act;

74 (c) engaging in conduct that results in conviction, a plea of nolo contendere, or a  
75 plea of guilty or nolo contendere which is held in abeyance pending the successful completion of  
76 probation with respect to a crime of moral turpitude or any other crime that, when considered

77 with the functions and duties of the occupation or profession for which the license was issued or  
78 is to be issued, bears a reasonable relationship to the licensee's or applicant's ability to safely or  
79 competently practice the occupation or profession;

80 (d) engaging in conduct that results in disciplinary action, including reprimand,  
81 censure, diversion, probation, suspension, or revocation, by any other licensing or regulatory  
82 authority having jurisdiction over the licensee or applicant in the same occupation or profession  
83 if the conduct would, in this state, constitute grounds for denial of licensure or disciplinary  
84 proceedings under [insert citation];

85 (e) engaging in conduct, including the use of intoxicants, drugs, narcotics, or  
86 similar chemicals, to the extent that the conduct does, or might reasonably be considered to,  
87 impair the ability of the licensee or applicant to safely engage in the occupation or profession;

88 (f) practicing or attempting to practice an occupation or profession regulated  
89 under this Act despite being physically or mentally unfit to do so;

90 (g) practicing or attempting to practice an occupation or profession regulated  
91 under this Act through gross incompetence, gross negligence, or a pattern of incompetency or  
92 negligence;

93 (h) practicing or attempting to practice an occupation or profession requiring  
94 licensure under this Act by any form of action or communication which is false, misleading,  
95 deceptive, or fraudulent;

96 (i) practicing or attempting to practice an occupation or profession regulated  
97 under this Act beyond the scope of the licensee's competency, abilities, or education;

98 (j) practicing or attempting to practice an occupation or profession regulated  
99 under this Act beyond the scope of the licensee's license;

100 (k) verbally, physically, mentally, or sexually abusing or exploiting any person  
101 through conduct connected with the licensee's practice under this Act or otherwise facilitated by  
102 the licensee's license;

103 (l) acting as a supervisor without meeting the qualification requirements for that  
104 position that are defined by statute or rule;

105 (m) issuing, or aiding and abetting in the issuance of, an order or prescription for  
106 a drug or device:

107 (I) without first obtaining information in the usual course of professional  
108 practice, that is sufficient to establish a diagnosis, to identify conditions, and to identify  
109 contraindications to the proposed treatment; or

110 (II) with prescriptive authority conferred by an exception issued under this  
111 Act, or a multi-state practice privilege recognized under this Act, if the prescription was issued  
112 without first obtaining information, in the usual course of professional practice, that is sufficient  
113 to establish a diagnosis, to identify underlying conditions, and to identify contraindications to the  
114 proposed treatment;

115 (n) violating a provision of [insert citation]; or

116 (o) as may be further defined by administrative rule:

117 (I) online prescribing, dispensing, or facilitation with respect to a person  
118 under the age of [18] years;

119 (II) using the name or official seal of the state, the [Department of  
120 Commerce], or the [Division of Occupational and Professional Licensing], or their boards, in an  
121 unauthorized manner;

122 (III) failing to respond promptly to a request by the [division] for  
123 information including an audit of the website or records of the online prescriber, the Internet  
124 facilitator, or the online contract pharmacy;

125 (IV) using an online prescriber, online contract pharmacy, or Internet  
126 facilitator without approval of the [division];

127 (V) failing to inform a patient of the patient's freedom of choice in  
128 selecting who will dispense a prescription in accordance with Section 8(1)(o); and

129 (VI) failing to keep the [division] informed of the name and contact  
130 information of the Internet facilitator or online contract pharmacy.

131  
132 Section 3. *[Board.]*

133 (1) There is created the [Online Prescribing, Dispensing, and Facilitation Licensing  
134 Board] consisting of the following [seven] members:

135 (a) [two] members who are licensed under either [The Medical Practices Act, or  
136 The Osteopathic Medical Practices Act], of which one shall be engaged in the delivery of online  
137 pharmaceutical services and one may not be an online prescriber licensed under this Act;

138 (b) [two] members who are licensed as a [pharmacist] under [insert citation], of  
139 which [one] shall be associated with an online contract pharmacy and [one] may not be  
140 associated with an online contract pharmacy;

141 (c) [two] members of the general public who are not associated with an online  
142 prescriber; an online contract pharmacy; or an Internet facilitator; and

143 (d) [one] member who is licensed under this Act as an Internet facilitator.

144 (2) Notwithstanding any other requirement for membership on the [board], no more than  
145 [one] member of the [board] may be associated in any of the following ways with the same  
146 Internet facilitator as an owner; as an employee; as an officer; as a director; contracted with; as  
147 an agent of; or having any direct or indirect financial interest.

148 (3) The [board] shall be appointed and serve in accordance with [insert citation].

149 (4) (a) The duties and responsibilities of the [board] shall be in accordance with  
150 [insert citation] and as otherwise provided in this Act.

151 (b) The [board] may designate one of its members on a permanent or rotating  
152 basis to assist the [division] in reviewing complaints concerning the unlawful or unprofessional  
153 conduct of a licensee and advise the [division] in its investigation of a complaint.

154 (5) A [board] member who has, under Subsection (4), reviewed a complaint or advised in  
155 its investigation may be disqualified from participating with the [board] when the [board] serves  
156 as a presiding officer of an administrative proceeding concerning the complaint.

157  
158 Section 4. *[Licensure Required; Issuance of Licenses.]*

159 (1) Beginning [insert date] and except as provided in Section 10:

160 (a) a physician licensed under [The Medical Practice Act] or [The Osteopathic  
161 Medical Practice Act], shall be licensed under this Act to engage in the delivery of online  
162 pharmaceutical services;

163 (b) an online contract pharmacy shall be licensed under this Act to engage in the  
164 delivery of online pharmaceutical services; and

165 (c) an Internet facilitator shall be licensed under this Act to engage in the delivery  
166 of online pharmaceutical services.

167 (2) The [division] shall issue, to any person who qualifies under this Act, a license to  
168 prescribe online; to operate as an online contract pharmacy; or to operate as an Internet  
169 facilitator.

170 (3) A license under this Act is not required to engage in electronic prescribing under  
171 [insert citation] and (b) nothing in this Act shall prohibit a physician licensed under [The  
172 Medical Practice Act], or [The Osteopathic Medical Practice Act], from electronic prescribing or  
173 Internet prescribing as permitted by [insert citation].

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Section 5. *[Qualifications for Licensure.]*

(1) Each applicant for licensure as an online prescriber under this Act shall:

- (a) submit an application in a form prescribed by the [division];
- (b) pay a fee determined by the [department] under [insert citation];
- (c) be of good moral character;
- (d) document that the applicant holds a license from this state that is active and in good standing and authorizes the licensee to engage in the assessment, diagnosis, and treatment of human ailments and the prescription of medications;
- (e) document that any other professional license the applicant possesses from other jurisdictions is in good standing;
- (f) submit to the [division] an outline of the applicant's proposed online assessment, diagnosis, and prescribing tool, such as a branching questionnaire and demonstrate the proposed online assessment, diagnosis, and prescribing tool to the [board] and establish to the [board's] satisfaction that the utilization of that assessment tool to facilitate the prescription of the drugs approved for online prescribing under Section 8 does not compromise the public's health, safety, or welfare;
- (g) submit policies and procedures that address patient confidentiality, including measures that will be taken to ensure that the age and other identifying information of the person completing the online branching questionnaire are accurate;
- (h) describe the mechanism by which the online prescriber and patient will communicate with one another, including electronic and telephonic communication;
- (i) describe how the online prescriber/patient relationship will be established and maintained;
- (j) submit the name, address, and contact person of the Internet facilitator with whom the online prescriber has contracted to provide services that the online prescriber will use to engage in online assessment, diagnosis, and prescribing; and
- (k) submit documentation satisfactory to the [board] regarding public health, safety, and welfare demonstrating:
  - (I) how the online prescriber will comply with the requirements of Section 9; the contractual services arrangement between the online prescriber; the Internet facilitator; and the online contract pharmacy; and
  - (II) how the online prescriber will allow and facilitate the [division's] ability to conduct audits in accordance with Section 11.

(2) An online prescriber may not use the services of an Internet facilitator or online contract pharmacy whose license is not active and in good standing.

(3) Each applicant for licensure as an online contract pharmacy under this Act shall be licensed in good standing in this state as a [Class A Retail Pharmacy] or a [Class B Closed Door Pharmacy] and:

- (a) submit a written application in the form prescribed by the [division];
- (b) pay a fee as determined by the [department] under [insert citation];
- (c) submit any contract between the applicant and the Internet facilitator with which the applicant is or will be affiliated;
- (d) submit proof of liability insurance acceptable to the [division] that expressly covers all activities the online contract pharmacy will engage in under this Act, which coverage shall be in a minimum amount of [\$1,000,000] per occurrence with a policy limit of not less than [\$3,000,000];
- (e) submit a signed affidavit to the [division] attesting that the online contract pharmacy will not dispense a drug that is prescribed by an online prescriber engaged in the

223 delivery of online pharmaceutical services under the provisions of this Act unless the drug is  
224 specifically approved by the [division] under Section 9 and both the prescribing and the  
225 dispensing of the drug were facilitated by the Internet facilitator with whom the Internet contract  
226 pharmacy is associated under Section 8(3)(d);

227 (f) document that any other professional license the applicant possesses from  
228 other jurisdictions is active and in good standing; and

229 (g) demonstrate to the [division] that the applicant has satisfied any background  
230 check required by [insert citation], and each owner, officer, or manager of the applicant online  
231 contract pharmacy has not engaged in any act, practice, or omission, which when considered  
232 with the duties and responsibilities of a licensee under this Act indicates there is cause to believe  
233 that issuing a license under this Act is inconsistent with the public's health, safety, or welfare.

234 (4) Each applicant for licensure as an Internet facilitator under this Act shall:

235 (a) submit a written application in the form prescribed by the [division];

236 (b) pay a fee as determined by the department under [insert citation];

237 (c) submit any contract between the applicant and each online prescriber and the  
238 single online contract pharmacy with which the applicant will be affiliated:

239 (d) submit written policies and procedures satisfactory to the [division] that

240 (I) address patient privacy, including compliance with 45 C.F.R. Parts  
241 160, 162, and Health Insurance Portability and Accountability Act of 1996;

242 (II) ensure compliance with all applicable laws by health care personnel  
243 and the online prescriber who will process patient communications;

244 (III) list the hours of operation;

245 (IV) describe the types of services that will be permitted electronically;

246 (V) describe the required patient information to be included in the  
247 communication, such as patient name, identification number, and type of transaction;

248 (VI) establish procedures for archiving and retrieving information; and

249 (VII) establish quality oversight mechanisms;

250 (e) submit written documentation of the applicant's security measures to ensure  
251 the confidentiality and integrity of any user-identifiable medical information;

252 (f) submit a description of the mechanism for:

253 (I) patients to access, supplement, and amend patient-provided personal  
254 health information;

255 (II) back-up regarding the Internet facilitator electronic interface;

256 (III) the quality of information and services provided via the interface; and

257 (IV) patients to register complaints regarding the Internet facilitator, the  
258 online prescriber, or the online contract pharmacy;

259 (g) submit a copy of the Internet facilitator's website;

260 (h) sign an affidavit attesting that the applicant will not access any medical  
261 records or information contained in the medical record except as necessary to administer the  
262 website and the branching questionnaire and the applicant and its principals, and any entities  
263 affiliated with them, will only use the services of a single online contract pharmacy named on the  
264 license approved by the [division]; and

265 (i) submit any other information required by the [division].

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267 Section 6. *[Term of License. Expiration. Renewal.]*

268 (1) The online prescriber's license shall be associated with the online prescriber's  
269 primary professional license and may be renewed at the time the primary license is renewed in  
270 accordance with [insert citation].

271 (2) The online contract pharmacy license shall be associated with the online contract  
272 pharmacy's primary professional license and may be renewed at the time the primary license is  
273 renewed in accordance with [insert citation].

274 (3) The Internet facilitator license shall be renewed in accordance with [insert citation].

275 (4) Each licensee shall, at the time of applying for renewal, demonstrate compliance with  
276 this Act.

277 (5) Each license shall automatically expire on the expiration date shown on the license  
278 unless the licensee renews it in accordance with [insert citation].

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280 Section 7. *[Existing Written Agreements for Online Prescribing. Pending Applications.]*

281 (1) (a) Subject to the provisions of this section, and until [insert date], an entity or  
282 individual not licensed by the [division] to engage in the delivery of online pharmaceutical  
283 services under this Act may nevertheless engage in the delivery of online pharmaceutical  
284 services if permitted by the [division] to do so prior to [insert date], under either a non-  
285 disciplinary stipulation and consent order with the [division] or a letter agreement with the  
286 [division].

287 (b) An entity or individual subject to Subsection (1)(a) shall only be permitted to  
288 engage in the delivery of online pharmaceutical services after [insert date], if, on or before that  
289 date, it has obtained a license in accordance with the provisions of this Act.

290 (2) An entity or individual engaged in the delivery of online pharmaceutical services  
291 under the provisions of Subsection (1), may continue to operate in accordance with the terms and  
292 conditions of the written consent or agreement subject to the following:

293 (a) On or before [insert date], the entity or individual shall file an application with  
294 the [division] in accordance with this Act for an online prescriber license; an online contract  
295 pharmacy license; or an Internet facilitator license.

296 (b) After the application for a license under this Act is filed in accordance with  
297 Subsection (2)(a), the applicant may continue to operate under the terms and conditions of the  
298 written consent agreement under Subsection (1)(a) until the [division] has issued its decision on  
299 the application.

300 (c) If the application is approved and a license is issued, the licensee shall operate  
301 under the terms of the license under this Act and may not operate under the terms and conditions  
302 of the prior written consent or agreement of the [division].

303 (d) If the application for license under this Act is denied, the applicant may not  
304 operate under the prior written consent or agreement with the [division] after the date the  
305 application for a license under this Act is denied by the [division].

306 (3) (a) The following provisions apply to any application for authorization to engage  
307 in the delivery of online pharmaceutical services that was pending with the [division] on the  
308 effective date of this Act:

309 (I) the applicant shall no later than [insert date], provide supplemental  
310 documentation to the [division] to correct any deficiency in the application and notify the  
311 [division] in writing that the application is ready to be acted upon by the [division] or

312 (II) the applicant may rely upon the existing application submitted to the  
313 [division] without any supplementation under Subsection (1) if the applicant notifies the  
314 [division] in writing that the application is ready to be acted upon by the [division].

315 (b) The [division] shall not, prior to [insert date], act on an application pending  
316 with the [division] on the effective date of this Act unless the [division] prior to [insert date],  
317 receives a notification from the applicant that the application is ready to be acted upon by the  
318 [division].

319

Section 8. [*Online Prescriber Duties and Responsibilities.*]

(1) The online prescriber shall:

(a) be held to the same standards of appropriate practice as those applicable in traditional settings which, for purposes of this Act, include the delivery of online pharmaceutical services;

(b) conduct an assessment and diagnosis based upon a comprehensive health history and an assessment tool such as a branching questionnaire;

(c) ensure that a comprehensive health history, assessment, and diagnosis have been made before prescribing any medication;

(d) conduct the online assessment and diagnosis only through the approved Internet facilitator identified in the online prescriber's application;

(e) comply with all applicable state and federal laws, rules, regulations, and orders;

(f) inform the patient electronically of the benefits and risks of appropriate treatment;

(g) guide the patient regarding the optimal course of action;

(h) treat the patient with courtesy, respect, dignity, responsiveness, and timely attention to the patient's needs;

(i) comply with the requirements for confidentiality as required by this Act and applicable federal law;

(j) continue to provide the user with reasonable assistance and sufficient opportunity to make alternative arrangements for care;

(k) be available for ongoing consultation with the patient through e-mail or other forms of communication;

(l) not delegate to a third party the professional responsibility to review and evaluate the results of the branching questionnaire; consult with the patient electronically or through other means about the patient's medical condition; and diagnose and prescribe medications to the patient;

(m) conduct the online assessment and diagnosis and the electronic communication between the online prescriber and the patient only through the approved Internet facilitator;

(n) maintain the online medical records of the patient; and if maintenance of the records is delegated by the online prescriber, delegate that authority only to the approved Internet facilitator;

(o) inform a patient of the patient's freedom of choice to select the pharmacy to dispense the patient's prescription by providing the patient with the phone number of the online contract pharmacy so that the patient may contact the online contract pharmacy and request a transfer of the prescription to another pharmacy; and

(p) authorize the Internet facilitator to provide the online contract pharmacy with the patient's:

(I) full name;

(II) current address and telephone number;

(III) date of birth or age and gender;

(IV) height, weight, and vital signs (if known);

(V) medication allergies or drug reactions; and

(VI) current medications, including over-the-counter products, and any additional comments relevant to the patient's drug use.

(2) The online contract pharmacy shall:

- 368 (a) only dispense prescription drugs that are approved by the [division] in  
369 accordance with Section 9 and were prescribed by an online prescriber who is using the Internet  
370 facilitator that is under contract with the online contract pharmacy;
- 371 (b) maintain a toll-free number with a pharmacist available for patients using the  
372 services of the online contract pharmacy to receive medications prescribed online;
- 373 (c) use a tracking identification number system when shipping medications  
374 prescribed for patients by an online prescriber; and
- 375 (d) provide to the [division] a [quarterly] report of all drugs dispensed in  
376 accordance with this Act.
- 377 (3) The Internet facilitator shall:
- 378 (a) provide services that the online prescriber will use in implementing the  
379 branching questionnaire;
- 380 (b) provide electronic or telephonic communication between the online prescriber  
381 and the patient that is secure and confidential; allows the online prescriber to be directly  
382 accessible to a patient to answer questions regarding the patient's treatment plan; and provides  
383 privacy and security that complies with the provisions of 45 C.F.R. Parts 475 160, 162, and 164,  
384 Health Insurance Portability and Accountability Act of 1996;
- 385 (c) facilitate secure and confidential communication of the prescription issued by  
386 the online prescriber to the online contract pharmacy in accordance with Subsection (1)(p);
- 387 (d) disclose on its website the owner of the website; the specific services provided  
388 by any associated online prescribers; and other information the [division] may require by rule;  
389 and
- 390 (e) only facilitate the delivery of online pharmaceutical services for the specific  
391 legend drugs approved by the [division] in accordance with Section 10; or not facilitate, directly  
392 or indirectly, through related entities or affiliates, the dispensing or online prescribing of any  
393 drug whether controlled or legend that is not specifically approved under Section 10.

394

395 Section 9. [*Drugs Approved for Online Prescribing, Dispensing, and Facilitation.*]

396 (1) An online prescriber may only prescribe, an online contract pharmacy may only  
397 dispense, and an Internet facilitator may only facilitate the prescribing and dispensing of, non-  
398 controlled, legend drugs that have been:

- 399 (a) approved by the Food and Drug Administration;
- 400 (b) prescribed to treat the condition for which the drug was approved; and
- 401 (c) specifically approved by the [division] for online prescribing by administrative  
402 rule adopted in accordance with [insert citation].

403 (2) If, after [insert date], the Food and Drug Administration issues a clinical black box  
404 warning with respect to any drug approved by the [board] under Subsection (1), the [division]  
405 shall determine what action, if any, is necessary to protect the public health or welfare as a result  
406 of the black box warning.

407

408 Section 10. [*Request to Facilitate Approval of Additional Drugs.*]

409 (1) An Internet facilitator licensed under this Act may seek the [division's] approval to  
410 facilitate the online prescribing and dispensing of prescriptions for additional drugs.

411 (2) The Internet facilitator shall make a request for approval of additional drugs by  
412 petitioning for an amendment to the administrative rule adopted by the [division] in accordance  
413 with Section 9 and [insert citation].

414

415 Section 11. [*Audits.*]

416 (1) Each licensee under this Act shall allow and facilitate an audit by the [division]  
417 regarding the licensee's delivery of online pharmaceutical services to ensure compliance with  
418 state and federal statutes, rules, and regulations including ensuring that:

419 (a) a comprehensive history and assessment have been obtained and a diagnosis  
420 has been made for a patient before any medications are prescribed; and

421 (b) only the approved medications are being prescribed and dispensed.

422 (2) The [division] shall be provided with the following, in the manner that allows access  
423 from the [division's] office for the purpose of conducting an audit:

424 (a) full remote, read-only access rights to the data related to the online prescribing  
425 and dispensing of a drug under this Act and that is used and stored in the Internet facilitator's  
426 system; and

427 (b) the information available to the online prescriber.

428 (3) An Internet facilitator licensed under this Act shall provide to the [division], at the  
429 times designated by the [division] by administrative rule, a report containing the following  
430 information:

431 (a) the number of prescriptions issued by the online prescribers associated with  
432 the Internet facilitator by drug name;

433 (b) the number of comprehensive histories/assessments received by the Internet  
434 facilitator;

435 (c) the number of comprehensive histories/assessments reviewed by an online  
436 prescriber;

437 (d) the demographic data of the patients receiving prescriptions through the  
438 Internet facilitator;

439 (e) the number of prescriptions dispensed by the online contract pharmacy or  
440 transferred to a different pharmacy at the patient's request; and

441 (f) any other information specified by the [division] by administrative rule.

442 (4) The [division's] authority to conduct an audit pursuant to this Act shall survive any  
443 termination or expiration of any prescriptive authority for online prescribing, dispensing, or  
444 facilitation.

445

446 Section 12. *[Grounds for Denial of License. Disciplinary Proceedings. Termination of*  
447 *Authority to Prescribe. Immediate and Significant Danger.]*

448 (1) Grounds for refusing to issue a license to an applicant, for refusing to renew the  
449 license of a licensee, for revoking, suspending, restricting, or placing on probation the license of  
450 a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and  
451 desist order:

452 (a) shall be in accordance with [insert citation]; and

453 (b) includes prescribing, dispensing, or facilitating the prescribing or dispensing  
454 of a drug not approved by the [board] under Section 9 or any other violation of this Act.

455 (2) The termination or expiration of a license under this Act for any reason does not limit  
456 the [division's] authority to start or continue any investigation or adjudicative proceeding.

457 (3) Because of the working business relationship between and among the online  
458 prescriber, the Internet facilitator, and the online contract pharmacy, each entity's ability to  
459 comply with this Act may depend in some respects on the actions of the others. It is possible that  
460 a particular action or inaction by the online prescriber, the Internet facilitator, or the online  
461 contract pharmacy could have the effect of causing the other licensed entities to be out of  
462 compliance with this Act, and each entity may, therefore, be held accountable for any related  
463 party's non-compliance, if the party knew or reasonably should have known of the other person's  
464 non-compliance.

465 (4) An online prescriber may lose the practitioner's professional license to prescribe any  
466 drug under this Act if the online prescriber knew or reasonably should have known that the  
467 provisions of this Act were violated by the online prescriber, the Internet facilitator, or the online  
468 contract pharmacy. It is not a defense to an alleged violation under this Act that the alleged  
469 violation was a result of an action or inaction not by the charged party but by the related online  
470 prescriber, the online contract pharmacy, or the Internet facilitator.

471 (5) The following actions may result in an immediate suspension of the online  
472 prescriber's license, the online contract pharmacy's license, or the Internet facilitator's license,  
473 and each is considered an immediate and significant danger to the public health, safety, or  
474 welfare requiring immediate action by the [division] pursuant to [insert citation] to terminate the  
475 delivery of online pharmaceutical services by the licensee:

476 (a) online prescribing, dispensing, or facilitation with respect to a person under  
477 the age of 18 years; a legend drug not authorized by the [division] in accordance with Section 9;  
478 and any controlled substance;

479 (b) violating this Act after having been given reasonable opportunity to cure the  
480 violation;

481 (c) using the name or official seal of the state, the [Department of Commerce], or  
482 the [Division of Occupational and Professional Licensing], or their boards, in an unauthorized  
483 manner; or

484 (d) failing to respond to a request from the [division] within the time frame  
485 requested for an audit of the website or records of the online prescriber, the Internet facilitator, or  
486 the online contract pharmacy.

487

488 Section 13. [*Severability.*] [Insert severability clause.]

489

490 Section 14. [*Repealer.*] [Insert repealer clause.]

491

492 Section 15. [*Effective date.*] [Insert effective date.]