

Interim Rules for Clinical Pharmacy

[Emergency adoption authorized by Act 178(2020), Sec. 12(b) and effective July 1, 2021]

1. Collaborative Practice Agreements: Required Elements

Collaborative Practice Agreements involving clinical pharmacy prescribing shall conform to 26 V.S.A. § 2023 and the requirements of the Administrative Rules of the Board of Pharmacy, § 1.10(a)(8). In addition, a collaborative practice agreement involving clinical pharmacy prescribing must:

- a. permit prescribing only in the presence of a bona fide, established prescriber-patient relationship between a collaborating practitioner and patients receiving clinical care pursuant to the agreement;
- b. contain the name(s), license number(s), and dated signature(s) of each covered practitioner;
- c. specify start and end dates separated by not more than one year;
- d. describe the scope of clinical pharmacy services and/or prescribing to be provided, including any limitations on the scope of those services; and
- e. be readily available to any patient or regulatory authority that may request it.

2. Conflicts of Interest & Commercial Incentives

A pharmacist practicing clinical pharmacy shall avoid circumstances that would lead a reasonable and informed observer to suspect the pharmacist's prescribing judgment is influenced other than by the best interests of patients. In addition:

- a. **Gift Ban.** Pharmacists shall comply with 18 V.S.A. § 4631a and shall not accept gifts or things of value from drug manufacturer or wholesalers.
- b. **Commercial Inducement Ban.** A pharmacy shall not require, induce, encourage, incentivize, or otherwise attempt to influence a pharmacist to alter prescribing practices for commercial purposes, including without limitation by promoting preferred brands, establishing prescribing quotas, steering patients based on commercial relationships, or initiating automatic prescription renewal without an express written request from a patient. A pharmacist subject to such inducements shall not practice clinical pharmacy.

3. Short-term Prescribing by Pharmacists

A pharmacist extending a previous prescription shall do so in a manner consistent with 26 V.S.A. § 2023(b)(6) and only after taking steps reasonable under the circumstances to verify a patient's claim to hold an established prescription. Short-term prescribing of controlled drugs is prohibited. When determining whether short-term prescribing is clinically appropriate, a pharmacist shall consider the risk profile of a drug, including potential toxicity and misuse, and shall weigh potential risks against risks associated with interruption of access.

4. Privacy

A pharmacy that offers clinical services shall provide patients space appropriate to private clinical consultation about confidential health information. At a minimum, consultation space shall:

- a. shield a patient who may be required to partially disrobe, for example, to receive a vaccine, from the view of others;
- b. be suitably isolated to offer confidence that health consultations, carried out at ordinary conversational volume, cannot be overheard;
- c. not be subject to audio or video surveillance of which a patient may be unaware, for example, by store security equipment.