**South Carolina General Assembly**

118th Session, 2009-2010

**A194, R243, H4405**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Edge, Cobb‑Hunter, Crawford, Harvin, Pinson, Alexander, Gunn, Hutto and Weeks

Document Path: l:\council\bills\agm\19591ab10.docx

Companion/Similar bill(s): 1088

Introduced in the House on January 21, 2010

Introduced in the Senate on April 21, 2010

Last Amended on May 12, 2010

Passed by the General Assembly on May 20, 2010

Governor's Action: May 28, 2010, Signed

Summary: Alcohol and Other Drug Abuse Services

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/21/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-21-10.docx)‑20

1/21/2010 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** [HJ](file:///h:\HJ%20Archive\2010\01-21-10.docx)‑20

4/14/2010 House Committee report: Favorable **Medical, Military, Public and Municipal Affairs** [HJ](file:///h:\HJ%20Archive\2010\04-14-10.docx)‑11

4/15/2010 House Member(s) request name added as sponsor: Weeks

4/15/2010 Scrivener's error corrected

4/20/2010 House Read second time [HJ](file:///h:\HJ%20Archive\2010\04-20-10.docx)‑102

4/21/2010 House Read third time and sent to Senate [HJ](file:///h:\HJ%20Archive\2010\04-21-10.docx)‑11

4/21/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\04-21-10.docx)‑6

4/21/2010 Senate Referred to Committee on **Medical Affairs** [SJ](file:///h:\SJ%20Archive\2010\04-21-10.docx)‑6

5/11/2010 Senate Committee report: Favorable with amendment **Medical Affairs** [SJ](file:///h:\SJ%20Archive\2010\05-11-10.docx)‑7

5/12/2010 Senate Committee Amendment Amended and Adopted [SJ](file:///h:\SJ%20Archive\2010\05-12-10.docx)‑30

5/12/2010 Senate Read second time [SJ](file:///h:\SJ%20Archive\2010\05-12-10.docx)‑30

5/13/2010 Senate Read third time and returned to House with amendments [SJ](file:///h:\SJ%20Archive\2010\05-13-10.docx)‑20

5/20/2010 House Concurred in Senate amendment and enrolled [HJ](file:///h:\HJ%20Archive\2010\05-20-10.docx)‑54

5/20/2010 House Roll call Yeas‑88 Nays‑0 [HJ](file:///h:\HJ%20Archive\2010\05-20-10.docx)‑54

5/25/2010 Ratified R 243

5/28/2010 Signed By Governor

6/3/2010 Effective date 05/28/10

6/9/2010 Act No. 194

**VERSIONS OF THIS BILL**

[1/21/2010](file:///p:\pprever\2009-10\4405_20100121.docx)

[4/14/2010](file:///p:\pprever\2009-10\4405_20100414.docx)

[4/15/2010](file:///p:\pprever\2009-10\4405_20100415.docx)

[5/11/2010](file:///p:\pprever\2009-10\4405_20100511.docx)

[5/12/2010](file:///p:\pprever\2009-10\4405_20100512.docx)

(A194, R243, H4405)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑43‑70 SO AS TO DEFINE CERTAIN TERMS, AND TO PROVIDE FOR THE DISPENSING OF CERTAIN DRUGS OR DEVICES AT A FEDERALLY QUALIFIED HEALTH CENTER.**

Be it enacted by the General Assembly of the State of South Carolina:

**Federally qualified health centers; definitions; may fill prescriptions**

SECTION 1. Chapter 43, Title 40 of the 1976 Code is amended by adding:

“Section 40‑43‑70. (A) For purposes of this section:

(1) ‘Board’ means the South Carolina Board of Pharmacy.

(2) ‘Federally qualified health center’ or ‘FQHC’ means an entity funded by the Bureau of Primary Health Care (BPHC) under Section 330 of the Public Health Service Act as amended by the Health Centers Consolidation Act of 1996.

(3) ‘Health center delivery site’ means a physical location where a licensed practitioner duly employed by or under contract with an FQHC provides primary and preventative health care services to patients of that FQHC. An FQHC may have multiple health center delivery sites.

(B) This section does not prevent a licensed practitioner, as defined in Section 40‑43‑30(45), from dispensing a drug or device for a patient of an FQHC if:

(1) a drug dispensed by the FQHC is properly labeled in accordance with state and federal law;

(2) the patient is given a choice of receiving the drug or device from the FQHC or from another provider;

(3) as it pertains to an FQHC without a retail pharmacy, the FQHC must obtain and maintain an FQHC permit as designated by this section; and

(a) monthly shall conduct and submit to the Board of Pharmacy self inspections and maintain written checklists that are readily available to the Board of Pharmacy for on‑site visits; and

(b) designate a pharmacist duly licensed by and in good standing with the Board of Pharmacy as a consultant pharmacist to be responsible for the duties stated in this section at the FQHC permit holder’s location. A consultant pharmacist shall sign a new or renewal application along with the FQHC permit holder and agree in writing to assume the responsibilities of a consultant pharmacist. The consultant pharmacist shall perform and maintain written quarterly inspections that are readily available. The FQHC permit holder and consultant pharmacist shall notify the board in writing within ten days of a change of consultant pharmacist. A designation of an individual as a consultant pharmacist or delegation of duties to a consultant pharmacist by a holder of an FQHC permit may not relieve the permit holder of the FQHC permit holder’s duties under state or federal laws or regulations;

(4) as it pertains to a health center delivery site established after January 1, 2011, by an FQHC without a retail pharmacy, as a condition of permitting by the board pursuant to item (3) of subsection (B), this FQHC must certify to the board that it made a good faith effort but was unable to reach an agreement with an existing retail pharmacy located within five miles of the FQHC health center delivery site pursuant to which the existing retail pharmacy would provide prescription drugs to all FQHC patients at the same cost, convenience, and efficacy provided by the proposed new FQHC health center delivery site;

(5) as it pertains to an FQHC with a permitted retail pharmacy:

(a) the FQHC’s retail pharmacy must be permitted pursuant to Section 40‑43‑83;

(b) the FQHC must obtain and maintain an FQHC permit for its affiliated health center delivery sites without an on‑site pharmacy; and

(i) those affiliated delivery sites will be subject to the inspection requirements outlined in item (3) of this subsection; and

(ii) the FQHC pharmacist may serve as the consultant pharmacist for the FQHC’s affiliated delivery sites;

(c) with prior approval of the Board of Pharmacy, the FQHC pharmacist may serve as the pharmacist in charge for more than one pharmacy at a time and need not be physically present in the pharmacy to serve as its pharmacist in charge.

(C) The Board of Pharmacy shall promulgate regulations needed to effectuate the purposes of this section.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 25th day of May, 2010.

Approved the 28th day of May, 2010.

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