PROPOSED AMENDMENT
SB 221 # 2

DIGEST

Pharmacy organizational policy. Requires a pharmacy to have an organizational policy permitting a pharmacist to limit the provision of ancillary services and access points.

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1   Page 3, between lines 14 and 15, begin a new paragraph and insert:

2   "SECTION 2. IC 25-26-13.2 IS ADDED TO THE INDIANA CODE

3   AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

4   JULY 1, 2026]:

5   **Chapter 13.2. Ancillary Services of a Pharmacist**

6   **Sec. 1. This chapter does not apply to a pharmacy that is not**

7   **open to the public.**

8   **Sec. 2. As used in this chapter, "ancillary services" means**

9   **services performed by pharmacy personnel that are not directly**

10   **involved in the dispensation of a prescription drug. The term**

11   **includes the following:**

12   **(1) Immunizations.**

13   **(2) Drug administration.**

14   **(3) Medication therapy management.**

15   **(4) Disease state management.**

16   **(5) Refill reminders.**

17   **Sec. 3. (a) A pharmacy shall develop and implement an**

18   **organizational policy that permits a pharmacist to do all of the**

19   **following:**

20   **(1) Limit the provision of ancillary services if, in the**

21   **pharmacist's professional judgment, the provision of ancillary**

22   **services cannot be safely provided or may negatively impact**

23   **patient access to medications.**

24   **(2) Limit pharmacy access points if, in the pharmacist's**

25   **professional judgment, limiting the access points will**

26   **minimize fatigue, distraction, or other conditions that**

27   **interfere with a pharmacist's ability to practice with**

1   **reasonable safety and competence.**

2   **(b) The organizational policy required under subsection (a)**

3   **must include an offer by pharmacy staff to make an appointment**

4   **for a patient or refer a patient to another location that is offering**

5   **ancillary services.**

6   **(c) If a pharmacy has not implemented an organizational policy**

7   **as required under this section, the pharmacy may not override the**

8   **control of the pharmacist on duty to limit the provision of ancillary**

9   **services or limit pharmacy access points if the pharmacist, in the**

10   **pharmacist's professional judgment, believes it will affect the**

11   **pharmacist's ability to safely provide the services or negatively**

12   **impact patient access to medications. The pharmacy staff shall**

13   **offer to make an appointment for the patient or refer the patient**

14   **as set forth in subsection (b).**

15   **Sec. 4. Upon request, a pharmacy shall make the pharmacy's**

16   **organizational policy available to the board and shall maintain a**

17   **copy of the policy at the pharmacy for inspection by the board.**

18   **Sec. 5. (a) A pharmacy may not establish any productivity or**

19   **production quotas for the provision of ancillary services. This**

20   **section prohibits a fixed number or formula related to the duties of**

21   **pharmacy personnel, against which the pharmacy measures or**

22   **evaluates the number of times a pharmacy staff perform tasks or**

23   **provide services.**

24   **(b) Quotas under subsection (a) do not include the following that**

25   **is not calculated or measured by the number of tasks performed or**

26   **services provided:**

27   **(1) A measurement of the revenue earned by the pharmacy.**

28   **(2) An evaluation or measurement of the competence,**

29   **performance, or quality of care provided.**

30   **Sec. 6. A pharmacy may not discipline or otherwise retaliate**

31   **against a pharmacist who, in good faith, acts in accordance with**

32   **this chapter. For purposes of this section, discipline or retaliation**

33   **include any of the following:**

34   **(1) Termination of suspension of employment.**

35   **(2) Withholding salary increases or employee benefits to**

36   **which the pharmacist is otherwise entitled.**

37   **(3) Transferring or reassigning the pharmacist.**

38   **(4) Denying a promotion that otherwise would have been**

39   **received.**

40   **(5) Reducing pay.**

1   **(6) Demoting the individual.**".

2   Renumber all SECTIONS consecutively.

(Reference is to SB 221 as introduced.)