

# IDAHO TELEPHARMACY LAW

*(Below are the various statutes that were amended by the telepharmacy law passed by the Idaho Legislature last spring. The telepharmacy amendments are highlighted in yellow for your convenience.)*

54-1704.PRACTICE OF PHARMACY. "Practice of pharmacy" means the interpretation, evaluation and dispensing of prescription drug orders; participation in drug and device selection, drug administration, drug regimen reviews and drug or drug-related research; the practice of telepharmacy within and across state lines; provision of patient counseling and the provision of those acts or services necessary to provide pharmaceutical care; and the responsibility for: compounding and labeling of drugs and devices, except labeling by a manufacturer, repackager or distributor of nonprescription drugs and commercially packaged legend drugs and devices; proper and safe storage of drugs and devices, and maintenance of proper records for them; and the offering or performing of those acts, services, operations or transactions necessary to the conduct, operation, management and control of pharmacy.

54-1705. DEFINITIONS. In this chapter:

(9) "Drug outlet" means all pharmacies, nursing homes, residential or assisted living facilities, convalescent homes, extended care facilities, drug abuse treatment centers, penal institutions, hospitals, family planning clinics, retail stores, wholesalers, manufacturers and mail order vendors with facilities located in this state which are engaged in dispensing, delivery or distribution of drugs and drug manufacturers and wholesalers with facilities located outside the state, but doing business within this state and institutions, as defined in the rules of the board, engaged in the practice of telepharmacy across state lines.

(21) "Pharmaceutical care" means drug therapy and other pharmaceutical patient care services intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process as defined in the rules of the board.

(22) "Pharmacist" means an individual licensed by this state to engage in the practice of pharmacy or a pharmacist licensed in another state who is registered by the board of pharmacy to engage in the practice of telepharmacy across state lines.

(24) "Practice of telepharmacy" means the provision of pharmaceutical care by registered or licensed pharmacies and pharmacists located within United States jurisdictions through the use of telecommunications or other technologies to patients at distances that are located within United States jurisdictions, as defined in the rules of the board.

(25) "Practice of telepharmacy across state lines" means the practice of telepharmacy when the patient is located within the state of Idaho and the pharmacist is located in a United States jurisdiction outside the state of Idaho, as defined in the rules of the board.

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## 54-1723A. REGISTRATION TO ENGAGE IN THE PRACTICE OF TELEPHARMACY ACROSS STATE LINES.

(1) No pharmacist who is not licensed to practice pharmacy within the state of Idaho may engage in the practice of telepharmacy across state lines unless registered by the board pursuant to this section.

(2) To obtain registration to engage in the practice of telepharmacy across state lines, the applicant shall:

- (a) Present to the board proof of licensure in another state and proof that such license is in good standing;
- (b) Submit a written application in the form prescribed by the board;
- (c) Pay the fee(s) specified by the board for the issuance of the registration; and

(d) Comply with all other requirements of the board.

(3) The application required under this section shall request from the applicant, at a minimum, the following information:

(a) Name, address and current pharmacist licensure information in all other states, including each state of licensure and each license number;

(b) Name, address, telephone number and state of licensure or registration and license or registration number of the facility from which the applicant will be engaged in the practice of telepharmacy across state lines; and

(c) A statement attesting that the applicant will abide by the pharmacy laws and rules of the state of Idaho.

(4) A successful applicant for registration under this section shall be subject to the disciplinary provisions of section [54-1726](#), Idaho Code, the penalty provisions of section [54-1728](#), Idaho Code, and the rules of the board.

(5) Renewal of a registration to engage in the practice of pharmacy across state lines shall be annual. The application for renewal shall be submitted to the board no later than the first day of June. The board shall renew the registration of a pharmacist who is qualified to engage in the practice of pharmacy across state lines as provided for in this section. The board shall specify by rule the procedures to be followed and the fees to be paid for renewal of registration.

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#### 54-1729. REGISTRATION OF FACILITIES.

(1) All drug outlets shall annually register with the board of pharmacy.

(2) (a) Each drug outlet shall apply for a certificate of registration in one (1) of the following classifications:

(i) Retail drug outlet;

(ii) Institutional drug outlet;

(iii) Manufacturing drug outlet;

(iv) Wholesale drug outlet;

(v) Business outlet selling prescription drugs for veterinary use;

(vi) Telepharmacy drug outlet across state lines.

(b) No individual who is employed by a corporation which is registered under paragraphs (a)(i) through (v) of this subsection need register under the provisions of this chapter. All employees or personnel of a drug outlet registered pursuant to paragraph (a)(vi) of this subsection who are engaged in the practice of telepharmacy across state lines must be registered by the board pursuant to section [54-1723A](#), Idaho Code.

3) The board shall establish by rule under the powers granted to it under sections [54-1718](#) and [54-1719](#), Idaho Code, the criteria which each drug outlet, that has employees or personnel engaged in the practice of pharmacy, must meet to qualify for registration in each classification designated in subsection (2) of this section. The board may issue various types of certificates with varying restrictions to such outlets referred to in this subsection (3) where the board deems it necessary by reason of the type of drug outlet requesting a certificate.

4) It shall be lawful for a drug outlet registered under this section to sell and distribute nonprescription drugs. Drug outlets engaging in the sale and distribution of such items shall not be deemed to be improperly engaged in the practice of pharmacy. No rule will be adopted by the board under this chapter which shall require the sale of nonprescription drugs by a licensed pharmacist or under the supervision of a licensed pharmacist or otherwise apply to or interfere with the sale and distribution of such medicines.

(5) Drug outlets registered under subsection (2)(a)(vi) of this section shall pay the same registration fee as those registering under subsection (2)(a)(ii) of this section, but shall also pay the actual costs of the out-of-state inspection of the drug outlet as may be required by the board, including the transportation, lodging and related expenses of the board's inspector. Nothing in this section shall preclude the board, in lieu of an inspection by the board, from relying on an inspection of the drug outlet conducted by the regulatory authority of the state within which the drug outlet is located.