

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

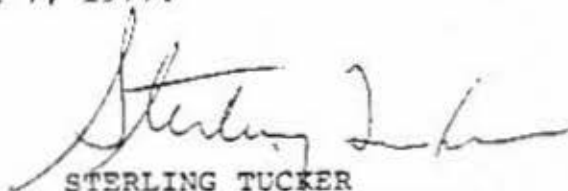
April 31, 1977

D.C LAW 1-114

"Prescription Drug Price Information  
Amendment".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act (PL 93-198), the Act, the Council of the District of Columbia adopted Bill No. 1-324 on first and second readings November 22, 1976, and December 7, 1976, respectively. Following the signature of the Mayor on January 11, 1977, this legislation was assigned Act No. 1-204, published in the January 28, 1977, edition of the D.C. Register, and transmitted to both Houses of Congress for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired and, therefore, cites the following legislation as D. C. Law 1-114, effective April 7, 1977.

  
STERLING TUCKER  
Chairman of the Council

D.C. LAW

1-114

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 1977

To amend the District of Columbia Prescription Drug Price Information Act (D.C. Law 1-81).

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prescription Drug Price Information Amendments".

Sec. 2. (a) Subsections 2(d), (f), (g), and (j) of the District of Columbia Prescription Drug Price Information Act (D.C. Law 1-81, 22 D.C. Reg. 99, effective September 10, 1976; hereafter in this act cited as the "Information Act") are repealed.

(b) Subsection 2(b) of the Information Act is amended to read as follows:

"(b) 'Most commonly used prescription drugs' means the prescription drug products which were most frequently paid for by the Medicaid program operated by the District of Columbia Government under a State plan filed in accordance with section 1902 of the Social

Security Act (42 U.S.C. 1396a), in the three consecutive months ending sixty days before an issue date."

Sec. 3. (a) Sections 101, 103, and 105 of the Information Act are each amended by inserting the word "prescription" after the words "100 most commonly used" and before the word "drugs".

(b) Sections 103 and 104 of the Information Act are each amended by striking the word "legend" and inserting the word "prescription".

(c) Subsection 102(a) of the Information Act is amended to read as follows:

"(a) lists the 100 most commonly used prescription drugs in two commonly prescribed quantities, with space for the current selling price of each quantity:".

(d) Section 104 of the Information Act is amended by striking "in writing, by telephone, or in any other manner." and inserting in lieu thereof "in writing or by telephone."

Sec. 4. (a) Sections 301, 302, and 303 of the Information Act are amended to read as follows:

"Sec. 301. The Department of Human Resources shall publish a formulary of drug products, with the chemical or generic name of each, that are determined to be therapeutically equivalent to specified brand name drug products. The Department shall determine the contents

of the formulary only after recommendations are made by a committee of nine members appointed by the Director of that Department. The committee shall consist of one licensed physician and one licensed pharmacist employed by the Department, two licensed physicians and three licensed pharmacists in private practice in the District, and two pharmacologists on the faculty of a university in the District. The recommendations of the committee shall require concurrence of a majority of the members of the committee. The committee's recommendations shall be published in the District of Columbia Register as proposed regulations of the Department. The Department's determinations shall be made in accordance with sections 4 through 7 of the District of Columbia Administrative Procedure Act (D.C. Code, sections 1-1503 to 1-1506) and published in the District of Columbia Register as final regulations. The committee shall review the published formulary annually, or whenever an amendment to it appears necessary. The committee shall publish its first recommendations no later than eight months after the effective date of this act.

"Sec. 302. (a) When a pharmacist receives a prescription for a brand name drug for which one or more

equivalent drugs are listed in the formulary prepared by the Department of Human Resources, the pharmacist may dispense any one of the listed equivalent products, and, if a listed equivalent product is dispensed, the pharmacist must dispense the product in stock having the lowest current selling price. The pharmacist shall do so if the purchaser so requests, except as provided in section 303.

"(b) When a pharmacist receives a prescription for a drug by generic name, the pharmacist shall dispense the listed product in stock having the lowest current selling price.

"(c) Until the first promulgation of the formulary by the Department of Human Resources, pharmacists licensed in the District shall have the same power which they had prior to September 10, 1976, to exercise their professional judgment in selecting the drug product to be dispensed.

"Sec. 303. The pharmacist shall not dispense an equivalent drug product under section 302 if-

"(a) The person purchasing the drug product or the patient for whom it is intended indicates a preference for the drug product actually prescribed.

"(b) The prescriber, in the case of a written prescription order signed by the prescriber, writes in the prescriber's own handwriting "dispense as written" or "D.A.W." or a similar notation. A procedure for checking or initialing a box, preprinted or stamped on a prescription form, will not constitute an acceptable notation.

"(c) The prescriber, in the case of a prescription communicated by telephone, expressly indicates the prescription is to be dispensed as communicated, and this indication is noted in the pharmacist's own handwriting in the manner provided in subsection (b)."

(b) Section 305 (b) of the Information Act is amended by striking "defined in" and inserting in lieu thereof "determined under"; section 305 (c) of the Information Act is amended by striking "a certain drug product" and inserting in lieu thereof "that brand".

Sec. 5. Section 404 of the Information Act is amended to read as follows:

"Sec. 404. This act shall become effective upon the effective date of the act entitled 'Prescription Drug Price Information Amendments'."

Sec. 6. This act shall be effective immediately following the period provided for Congressional review in

section 602(c) (1) of the District of Columbia Self-Government and Governmental Reorganization Act.