

R380. Health, Administration.

R380-405. Pharmacy Medical Providers.

R380-405-1. Authority and Purpose.

Pursuant to Subsections 26-1-5(1) and 26-61a-403(3)(b), this rule establishes Pharmacy Medical Provider application procedures, and Pharmacy Medical Provider continuing education requirements.

R380-405-2. Definitions.

As used in this section:

(1) "Fundamentals of medical cannabis coursework" means a course, or combination of courses, with content that addresses the following subjects:

(a) endocannabinoid system and phytocannabinoids;
(b) general guidance and recommendations for medical cannabis; and
(c) history of cannabis, dosing forms, considerations, drug interactions, adverse reactions, contraindications (breastfeeding and pregnancy), and toxicology.

(2) "General medical cannabis coursework" means a course, or combination of courses, with content that addresses medical cannabis; which may include medical cannabis law, or fundamentals of medical cannabis coursework.

(3) "Medical cannabis law coursework" means a course, or combination of courses, with content that addresses Title 26, Chapter 61a, Utah Medical Cannabis Act; and other state and federal laws relating to medical cannabis that include, at a minimum, a review of the following:

(a) qualifying health conditions for which a patient may lawfully use medical cannabis, for a medicinal purpose in Utah;
(b) forms of medical cannabis that a qualifying patient is allowed, and prohibited, under Utah law;
(c) the limit of the quantities of unprocessed cannabis, and cannabis products in medicinal form, that may be dispensed in Utah;

(d) requirement to initially register and renew registration as a PMP;
(e) limit to the number of active medical cannabis recommendations that a QMP can make at any given time;
(f) a description of what a QMP must document in a patient's record, before recommending medical cannabis;
(g) information required from a QMP, when writing a medical cannabis recommendation, and the option to make a recommendation without specifying a dosage form and dosing parameters;

(h) a PMP's role in determining the appropriate medical cannabis dosage form and dosage parameters, when a QMP chooses to recommend without specifying a dosage form and dosing parameters;

(i) limit on advertising by a QMP;
(j) type of medical cannabis cards;
(k) the regulation controlling the distribution of product, by a medical cannabis pharmacy;
(l) a partial fill order;
(m) the role of the Compassionate Use Board;
(n) the role of a cannabis cultivation facility, a cannabis processing facility, and independent cannabis testing laboratory, that operate within Utah's medical cannabis system;

(o) the conditions of legal possession of medical cannabis under Utah law, before and after January 1, 2021;
(p) the legal status of medical and recreational marijuana in states surrounding Utah, and under federal law;
(q) the authority to change dosage parameters in a medical cannabis recommendation as outlined in R380-404, Dosing Parameters;

(r) home delivery of medical cannabis; and
(s) the purpose of the state central patient portal.

R380-405-3. Pharmacy Medical Providers - Application Procedures.

(1) The application procedures established in this section govern an application for initial issuance of a PMP registration card, under Title 26, Chapter 61a, Utah Medical Cannabis Act, and by Department rule.

(2) Each card applicant shall apply upon forms available in the EVS, from the Department.

(3) The Department may issue a PMP card only if an applicant meets the card requirements, established under Title 26, Chapter 61a, Utah Medical Cannabis Act, and by Department rule.

(4) The Department shall provide a written notice of denial to an applicant who submits a complete application, if the Department determines that the applicant does not meet the card requirements.

(5) The Department shall provide to an applicant a written notice of incomplete application that the application will be closed, unless the applicant corrects the deficiency within the time period specified in the notice; and otherwise meets all card requirements.

(6) A written notice of denial, or incomplete application, shall be sent to an applicant's last email address shown in the Department's EVS database.

(7) Each applicant shall maintain a current email address with the Department. Notice sent to the last email address on file with the Department, constitutes legal notice.

R380-405-4. Pharmacy Medical Providers - Renewal Application Procedures.

(1) Renewal application procedures established in this rule, shall govern an application for an PMP registration card.

- (2) Each PMP card applicant shall apply upon a renewal application form available from the Department.
- (3) The Department may issue a card to an applicant who submits a complete renewal application, if the Department determines that the applicant meets the card requirements.
- (4) The Department shall provide a written notice of denial to an applicant who submits a complete renewal application, if the Department determines that the applicant does not meet the card requirements.
- (5) The Department shall provide to the applicant a written notice of incomplete application that the application will be closed, unless the applicant corrects the deficiencies within the time period specified in the notice; and otherwise meets all card requirements.
- (6) The Department shall send a renewal notice to each cardholder at least 60 days prior to the expiration date shown on the PMP cardholder's card. The notice shall include directions for the PMP to renew the card, in the EVS via the Department's website.
- (7) Renewal notices shall be sent to the cardholder's last email shown in the Department's EVS database.
- (8) Each cardholder shall maintain a current email address and mailing address with the Department. Notice sent to the current email address on file with the Department constitutes legal notice, unless the applicant has requested to be notified by regular mail.
- (9) Renewal notices shall advise each cardholder that a card automatically expires on the expiration date and is no longer valid, if it is not renewed prior to the expiration.
- (10) If an individual's PMP registration card expires, the individual may submit a card renewal application at any time, regardless of the length of time passed since the expiration of the card.

R380-405-5. Pharmacy Medical Providers - Continuing Education Requirement.

- (1) Pursuant to Subsection Utah Code 26-61a-403, an applicant for registration as a PMP shall verify completion of four hours of continuing education. Once registered as a PMP, an individual shall complete an additional four hours of continuing education every two years as a requirement for renewal.
- (2) To meet the continuing education requirement, all coursework shall include the following:
 - (a) approval by the Utah Department of Health;
 - (b) be provided by an organization accredited through the Accreditation Council for Continuing Medical Education (ACCME), Accreditation Council for Pharmacy Education (ACPE), or the American Association of Nurse Practitioners (AANP);
 - (c) completion of a test with a passing score, as determined by the course provider, to verify comprehension of course content; and
 - (d) a certificate of completion.
- (3) Initial registration as a PMP shall require at least four hours of continuing education, which shall include at a minimum:
 - (a) medical cannabis law coursework; and
 - (b) fundamentals of medical cannabis coursework.
- (4) A PMP shall renew a registration every two years, after completing at least four hours of continuing education in general medical cannabis coursework, to be completed within two years prior to the date that the PMP submits the renewal application.
- (5) The continuing education report shall be submitted with an individual's application for registration as a PMP, and shall include a certificate of completion for coursework completed after issuance of the most recent registration. An application that does not include the continuing education report shall be considered incomplete, and the Department shall not process an application until the report is complete.

KEY: medical cannabis, pharmacy medical providers, marijuana

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Authorizing, and Implemented or Interpreted Law: 63G-3; 26-1-5(1); 26-61a-403(3)(b); 26-61a