

Medical cannabis pharmacy agent handbook



Certification information

This information is required to be read and understood by medical cannabis pharmacy agent applicants before registration with the Utah Department of Health and Human Services (DHHS).

It is intended to be a general overview of medical cannabis laws pertaining to the practice of a pharmacy agent in Utah and medical cannabis pharmacy best practices. This information only highlights certain sections of the law and is **not** intended to cover all laws applicable to the practice of pharmacy agents.

Applicants are responsible to read and understand all laws pertaining to the registration for which they are applying.

Qualifying conditions (UCA 26-61a-104)

Individuals with the following conditions are authorized under the Utah Medical Cannabis Act to receive a medical cannabis patient card:

- HIV or Acquired Immune Deficiency Syndrome (AIDS);
- alzheimer's disease;
- amyotrophic lateral sclerosis (ALS);
- cancer;
- cachexia;
- persistent nausea that is not significantly responsive to traditional treatment, except for nausea related to:
 - pregnancy;
 - cannabis-induced cyclical vomiting syndrome; or
 - cannabinoid hyperemesis syndrome.
- crohn's disease or ulcerative colitis;

- epilepsy or debilitating seizures;
- multiple sclerosis (MS) or debilitating muscle spasms;
- post-traumatic stress disorder (PTSD) that is being treated and monitored by a mental health therapist and that:
 - has been diagnosed by a health care provider or mental health provider by the VA and documented in the patient's record; or
 - has been diagnosed or confirmed by evaluation by a psychiatrist, master's level degree psychologist, a master's level degree licensed clinical social worker, or a psych APRN.
- autism;
- terminal illness when the patient's remaining life expectancy is less than 6 months;
- condition resulting in the individual receiving hospice care;
- rare condition or disease that affects less than 200,000 individuals in the U.S., as defined in federal law, and is not adequately managed despite treatment attempts using conventional medications (other than opioids or opiates) or physical interventions;
- acute pain that is expected to last for 2 weeks or longer for an acute condition, including surgical procedure, for which a medical professional may generally prescribe opioids for a limited duration; or
- persistent pain that lasts longer than 2 weeks that is not adequately managed, in the qualified medical provider's (QMP) opinion, despite treatment attempts using conventional medications other than opioids or opiates or physician interventions.

If a patient doesn't have a qualifying condition specifically named in the law or if they are younger than 21 years, they must petition the Compassionate Use Board (CUB) for approval of their medical cannabis card. CUB meetings are closed to the public, applicants, and medical providers.

Recommending medical providers (RMPs) (UCA 26-61a-106)

There are two pathways that RMPs may use to recommend medical cannabis to qualifying patients: the Limited Medical Provider (LMP) program and the Qualified Medical Provider (QMP) program.

Both pathways require that the provider is a Utah-licensed MD, DO, APRN, PA, or DPM with a controlled-substance license.

Limited medical providers (LMPs)

LMPs are not required to register with the DHHS Center for Medical Cannabis or complete continuing-education requirements to recommend medical cannabis. They can only recommend medical cannabis to patients who have a qualifying condition for medical cannabis use and who are 21 years or older. Additionally, they are limited to 15 active medical cannabis recommendations at a time.

To recommend medical cannabis, an LMP completes the *Limited Medical Provider Recommendation for Medical Cannabis* form and faxes or emails it to a licensed medical cannabis pharmacy. A PMP or pharmacy agent at the medical cannabis pharmacy must verify the validity of the recommendation and enter the completed form into the Electronic Verification System (EVS). The patient will then be able to complete their medical cannabis application.

Qualified medical providers (QMPs)

QMPs are required to register with the DHHS Center for Medical Cannabis, pay a \$100 registration fee, and complete four hours of DHHS-approved continuing education on medical cannabis during each two-year renewal period.

Continuing education coursework must include the following:

- pre-approval by DHHS or 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);
- completion of a test with a passing score, as determined by the course provider, to verify comprehension of course content; and
- a certificate of completion.

QMPs are limited to 275 active medical cannabis recommendations at a time. However, if the QMP is licensed in one of the following board-certified specialties, their active medical cannabis recommendation limit increases to 600:

- anesthesiology;
- gastroenterology;
- neurology;

- oncology;
- pain;
- hospice and palliative medicine;
- physical medicine and rehabilitation;
- rheumatology;
- endocrinology; or
- psychiatry.

Additionally, QMPs can petition the Compassionate Use Board (CUB) to approve a medical cannabis patient card or provisional patient card if a patient would benefit from medical cannabis use but does not have a qualifying condition or is younger than 21 years.

An individual may not register as a QMP if they are:

- a pharmacy medical provider (PMP); or
- an owner, officer, director, board member, employee, or agent of a cannabis production establishment, a medical cannabis pharmacy, or a medical cannabis courier.

Recommended medical provider (RMP) dosing parameters (UCA 26-61a-102, 502)

An RMP has the option of only recommending medical cannabis and delegating the directions of use and dosing guidelines to the PMP. If dosing guidelines and directions of use are delegated to the PMP, the RMP may submit the following information about the patient in the EVS:

- an evaluation of the qualifying condition underlying the recommendation;
- prior treatment attempts with medical cannabis; and
- the patient's current medication list.

Recommended medical provider (RMP) recommendation with complete dosing guidelines

When an RMP recommends dosing guidelines, a PMP at a medical cannabis pharmacy must ensure the patient's purchase complies with the guidelines.

- For example, if an RMP selects “concentrated oil” as the dosage form in a recommendation, a medical cannabis pharmacy must only sell the patient medical cannabis in the form of concentrated oil. An RMP may recommend one or more dosage forms.
- If an RMP indicates 1:1 as the ratio of THC to CBD, a patient must only purchase products with a 1:1 ratio of THC to CBD.
- To change an RMP’s recommendation, a PMP must contact the cardholder’s RMP, obtain approval from the RMP to change the recommendation, and document the RMP’s approval of the change in EVS.

However, the RMP can choose to authorize the PMP to make any therapeutic substitutions to the dosing guidelines in EVS. If the RMP authorizes the PMP to make substitutions, then the PMP does not need to contact the cardholder’s RMP and obtain approval from the RMP to change the recommendation.

Recommended medical provider (RMP) recommendation with partial dosing guidelines

If an RMP only limits a certain part of a recommendation in the EVS but does not limit other parts (e.g. limits dosage form but does not limit amount or vice versa), a PMP may determine the remaining parts of the recommendation during a consultation. However, the PMP may not change what the RMP has already recommended unless approval for the change is communicated by the RMP to the PMP and documented in the EVS.

Pharmacy medical provider (PMP) determination of patient’s dosing guidelines

If an RMP certifies a patient’s eligibility for a medical cannabis card but allows the PMP to recommend dosing guidelines, as documented in EVS, a PMP must determine the best course of treatment through consultation with the patient. To determine a patient’s best course of treatment, a PMP must review the following with the patient:

- any information about the patient in EVS or from the *Limited Medical Provider Recommendation for Medical Cannabis* form;
- the patient’s qualifying condition;
- indications for medical treatments;
- any directions of use and dosing guidelines documented by the RMP; and

- potential adverse reactions.
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Dosage forms (UCA 26-61a-102, 502)

Utah's medicinal cannabis dosage forms are limited to:

- tablet;
 - capsule;
 - concentrated liquid or viscous oil;
 - liquid suspension that after December 1, 2022, does not exceed 30 ml;
 - topical preparation;
 - transdermal preparation;
 - sublingual preparation;
 - gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular cuboid shape;
 - resin or wax;
 - aerosol; and
 - unprocessed cannabis flower.
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Medical cannabis cards (UCA 26-61a-201, 502)

Utah residents may apply for medical cannabis cards with their RMP through the Utah electronic verification system (EVS). DHHS evaluates applications and issues cards within 15 days if the applicant qualifies.

All card applications for patients who are younger than 21 years must be approved by the Compassionate Use Board (CUB).

Types of medical cannabis cards available in Utah and their requirements include the following:

- Patient card
 - Issued to patients ages 18 years and older.
 - Valid for 6 months after the initial issuance.
 - The first renewal period is for 6 months, but subsequent renewal periods can be extended to 1 year.

- Patients who are 18-20 years must have the medical cannabis card approved by the CUB.
- The CUB can decrease the renewal period for patients whose cards they approve.
- Minor and guardian cards
 - Provisional patient cards are issued to minors who are younger than 18 years.
 - CUB approval is required for all provisional patient cards.
 - Valid for 6 months after the initial issuance.
 - The first renewal period is for 6 months, but subsequent renewal periods can be extended to 1 year.
 - The CUB can decrease the renewal period for provisional patient cards.
 - Guardian cards are issued to the minor's parent or legal guardian.
 - Guardian cards are automatically issued and renewed with provisional patient cards.
 - The parent/guardian is required to complete a criminal background check with DHHS prior to card issuance.
- Caregiver card
 - Issued to caregivers of patients who have an active patient card.
 - A patient with an active medical cannabis card designates a caregiver in EVS.
 - Caregiver cards have the same expiration date as the associated patient card.
 - Once a caregiver card expires, the caregiver must reapply for renewal.
 - An additional fee for a caregiver card is required.
 - The caregiver is required to complete a criminal background check with DHHS prior to card issuance.
- Non-Utah Resident Card
 - Issued to non-Utah residents who are visiting Utah and who are medical cannabis cardholders in their home state.
 - Valid for 21 days at a time.
 - Patients may be issued 2 non-Utah resident cards per calendar year.
 - Patients must have a qualifying condition that is legal for medical cannabis use in Utah.
 - The non-Utah resident card is issued to patients the day before they travel to Utah.

Purchase and possession restrictions (UCA 26-61a-102, 502)

A medical cannabis pharmacy may dispense to a patient up to the “legal dosage limit” of medical cannabis. The legal dosage limit is defined as an amount that is sufficient to provide 30 days of treatment based on dosing guidelines that the relevant RMP or PMP recommends.

The legal dosage limit **cannot** ever exceed 113 grams by weight for unprocessed cannabis flower and 20 grams of active THC for other cannabis products.

Utah medical cannabis card holders may not ever possess more than 113 grams by weight for unprocessed cannabis flower and 20 grams of active THC for other cannabis products.

Pharmacy employee registration requirements (UCA 26-61a-402, 403)

Medical cannabis pharmacy employees must be registered by DHHS as either a medical cannabis pharmacy agent or a pharmacy medical provider (PMP).

Pharmacy medical provider (PMP)

Each medical cannabis pharmacy must employ at least 1 Utah licensed pharmacist or physician who is registered with DHHS as a PMP. Every medical cannabis pharmacy must have a PMP who is designated as the pharmacy’s pharmacist in charge (PIC). PMP registration expires every 2 years unless it is renewed by the PMP. A PMP **cannot** also be registered as a QMP.

Registration requirements for a PMP are as follows:

- complete 4 hours of DHHS-approved continuing education;
- provide the name and location of the pharmacy where they have been offered employment as a PMP;
- pay the application fee; and
- be at least 21 years of age.

Pharmacy agent

A QMP **cannot** be registered as a pharmacy agent.

Registration requirements for a pharmacy agent are as follows:

- pass a national criminal background check to verify that there are not any state or federal convictions for a felony; or after December 3, 2018, misdemeanors for drug distribution;
- provide the name and location of the medical cannabis pharmacy where they have been offered employment as a pharmacy agent;
- pay the application fee;
- comply with a certification standard established by DHHS; and
 - reading and acknowledgement of understanding the information shared in this document fulfills the certification requirement).
- be at least 21 years of age.

Pharmacy operating requirements (26-61a-501, 502, 505, 602)

The following operating requirements apply to all licensed medical cannabis pharmacies in Utah:

- PMP onsite
 - A PMP must be onsite at the medical cannabis pharmacy location at all times during the pharmacy's business hours.
- Compliance with operating plan
 - The medical cannabis pharmacy must operate solely at the physical address provided to DHHS and in accordance with the operating plan provided to DHHS.
- Notification of operating plan changes
 - The medical cannabis pharmacy must notify DHHS before any change in their physical address or operating plan.
- Facility visitors

- An individual may not enter a medical cannabis pharmacy unless they are at least 18 years old and possess a valid PMP card, a medical cannabis pharmacy agent card, or a medical cannabis card.
- The exception to this is that pharmacy visitors who are not registered as a medical cannabis cardholder, PMP or pharmacy agent are required to sign in and out upon entering and exiting the facility, wear a visitor badge at all times, and be escorted by a PMP or pharmacy agent at all times.
- Parents can bring children younger than 18 years old with them as long as they follow the visitor requirements outlined above.
- Security
 - The medical cannabis pharmacy must have a single, secure public entrance; a lock on each area where the pharmacy stores cannabis or cannabis product; and a security system with a back-up power source.
 - The security system must also detect and record entry into the medical cannabis pharmacy and provide notice of unauthorized entry to law enforcement.
- Purchase limits
 - The medical cannabis pharmacy must post the limit on the purchase of cannabis described in the Utah Code 26-61a-502(2). This posting must be clear and conspicuous to customers.
- No samples
 - The medical cannabis pharmacy **cannot** give at no cost medical cannabis product samples to cardholders, even if they are an employee.
- No consumption on property
 - The medical cannabis pharmacy must prohibit any individual from consuming cannabis products on the property or premises of the pharmacy.
- Processor label
 - Products sold by medical cannabis pharmacies must have a label on them placed by the processor that:
 - clearly displays the product's known cannabinoid content and the amount of each cannabinoid;
 - has a unique ID number that is connected to the inventory control system and that identifies the manufacturing process the processing facility used to manufacture the cannabis product;

- identifies the cannabinoid extraction process that the cannabis processing facility used to create the product;
 - does not display an image, word, or phrase that the facility knows or should know appeals to children; and
 - discloses each active or potentially active ingredient and possible allergen.
- Pharmacy label
 - The medical cannabis pharmacy cannot sell cannabis or cannabis product unless the product has a label affixed to the container provided by the pharmacy or a informational enclosure provided by the pharmacy indicating the following minimum information:
 - the name, address, and telephone number of the medical cannabis pharmacy;
 - the date of sale;
 - the name of the patient;
 - the name of the QMP who recommended the medical cannabis treatment;
 - directions for use and cautionary statements, if any;
 - legal use termination date (only required for unprocessed flower products); and
 - any other requirements that DHHS determines.
- Counseling
 - A PMP must consult with a patient prior to their first medical cannabis purchase.
 - The medical cannabis pharmacy must provide medical cannabis cardholders a telephone number or website by which the cardholder may contact a PMP for counseling.
- Advertising
 - A medical cannabis pharmacy may engage in public advertising of the following in any medium:
 - the medical cannabis pharmacy's name and logo;
 - the medical cannabis pharmacy's location and hours of operation;
 - a service available at the pharmacy;

- whether the medical cannabis pharmacy is licensed as a home delivery medical cannabis pharmacy;
 - best practices that the pharmacy upholds; and
 - education materials related to the medical use of cannabis.
- Available products
 - A medical cannabis pharmacy **cannot** sell a product other than:
 - a cannabis or cannabis product in a medicinal dosage form;
 - a medical cannabis device; and
 - educational material related to the medical use of cannabis.
- Dispensing limits
 - A pharmacy may not sell, in any one 28-day period, more than the lesser of:
 - an amount sufficient to provide 30 days of treatment based on the dosing parameters that the relevant QMP recommends; or
 - 113 grams by weight of unprocessed cannabis flower; or
 - an amount of cannabis products that is in a medicinal dosage form and that contains, in total, greater than 20 grams of total composite THC.
- Product fees
 - A uniform fee of \$3 on each medical cannabis cardholder transaction in a medical cannabis pharmacy must be paid to DHHS.
- Product waste disposal
 - Medical cannabis pharmacies may create a disposal program that allows an individual to deposit unused or excess medical cannabis in a locked box or other secure receptacle within the pharmacy.
 - Medical cannabis pharmacies shall dispose of any deposited medical cannabis by:
 - rendering the product unusable and unrecognizable before transporting it; and
 - disposing of the product in accordance with:
 - federal and state law, rules and regulations related to hazardous waste;
 - the Resource Conservation and Recovery Act;
 - the Solid Waste Management Act; and
 - other regulations that the department makes in accordance with the Administrative Rulemaking Act.

Protection of private information (UCA 26-61a-504)

Medical cannabis pharmacy agents must guard the confidentiality of all sensitive identifiable data.

Sensitive identifiable data includes personally identifiable information (PII) and personal health information.

PII is any information that can be used to distinguish an individual's identity, and can include:

- name;
- social security number;
- date and place of birth;
- mother's maiden name;
- biometric records; and
- Any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.

Pharmacy agents should never knowingly access the records of family members, neighbors, friends, or coworkers without a business need to know the information.

Sensitive identifiable data may be found in:

- spoken/verbal communications (telephone conversations, meetings);
- paper or "hard-copy" (document, forms, labels, photos); and
- electronic (computer-based records, electronic medical records, scanned documents, video recordings, files on servers and mobile devices, email content and attachments).

When disposing of sensitive identifiable data, pharmacy agents should shred, purge, or totally destroy the data prior to disposal.

Steps that pharmacy agents can take to secure their environment include:

- always wear an employee identification badge in plain view while at work;
- be aware of which areas are secured (open to authorized staff);
- lock desks, drawers/file cabinets, and workstations when unattended;

- keep desks clear of restricted and sensitive data when not in use;
- clear whiteboards of sensitive information when done or leaving rooms;
- store keys to cabinets, doors, and other secure areas in secure locations;
- remember to collect printed documents sent to print at shared network printers;
- arrange workstation monitors so that they're protected from being viewed by unauthorized persons; and
- lock computers/workstations any time they're not in use.

Misuse or unauthorized disclosure of sensitive identifiable information may result in penalties.

If a pharmacy agent has access to any personally identifiable information or personal health information in any format, the pharmacy agent is responsible for keeping it safe and confidential.

A pharmacy agent must report any actual or suspected failure to protect private information to the facility's PIC.

Pharmacy agent duties (R380-407)

The following duties may be performed by a pharmacy agent:

- within the dosage parameters specified by a QMP or PMP, assist the cardholder with understanding available products, proper use of a medical device, medical cannabis strains and methods of consumption or application;
- using the inventory control system, verify the status of an individual's medical cannabis card and dosage parameters in a patient recommendation;
- enter and retrieve information from the ICS;
- authorize entry of a cardholder into the cardholder counseling area.
- Take refill orders from a QMP;
- provide pricing and product information;
- accurately process cardholder payments including issuance of receipts, refunds, credits, and cash;
- prepare labels;
- retrieve medical cannabis and medical cannabis devices from inventory;

- accept new medical cannabis or medical cannabis device orders left on voicemail for a PMP to review;
- verbally offer to a cardholder the opportunity for counseling with a PMP regarding medical cannabis or a medical cannabis device;
- assist with dispensing of product to cardholders;
- screen calls for a PMP;
- preparing inventories of medical cannabis and medical cannabis devices;
- transport medical cannabis or medical cannabis devices;
- assist with maintaining a safe, clean, and professional environment;
- access patient information in the EVS; and
- view medical treatment and medication history in the EVS.

The following duties **cannot** be performed by a pharmacy agent:

- receive dosing guidelines for a patient's recommendation over the phone or in person;
 - determine or modify dosage guidelines in a patient's recommendation; and
 - provide counseling or consultation regarding a patient's medical condition or medical treatment.
-