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HOUSE BILL 282

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO PRESCRIPTION DRUGS; ALLOWING THERAPEUTIC
INTERCHANGE OF ALTERNATE DRUGS UNDER CERTAIN CIRCUMSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Drug Product Selection
Act is enacted to read:

"~~[NEW MATERIAL]~~ THERAPEUTIC INTERCHANGE OF PRESCRIPTION
DRUGS AUTHORIZED.--

A. Upon receipt of a prescription written by a
licensed practitioner who may prescribe drugs, a pharmacist may
exchange a therapeutic alternate drug in accordance with prior
authorization granted by the prescribing practitioner.

B. As used in this section:

(1) "prior authorization" means written,
electronic or telephonic authorization for a pharmacist to

underscoring material = new
[bracketed material] = delete

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[bracketed material] = delete

1 execute a therapeutic interchange of a drug for which a
2 prescription is being presented;

3 (2) "therapeutic alternate drug" means a drug
4 product with a different chemical structure than the drug
5 prescribed but that is of the same pharmacological or
6 therapeutic class and that can usually be expected to have
7 similar therapeutic effects and adverse reaction profiles when
8 administered to patients in therapeutically equivalent doses;
9 and

10 (3) "therapeutic interchange" means the
11 authorized exchange of a therapeutic alternate drug within a
12 formulary system or preferred drug list established in
13 accordance with previously approved written guidelines or
14 protocols."

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