

Exhibit No. 3

Date 2-14-07

Bill No. SB 397

XXV. Dispensing Authority

State	Medical Doctor	Doctor of Osteopathy	Dentist	Podiatrist	Veterinarian	Doctor of Homeopathy
Alabama	Yes	Yes	Yes	Yes	Yes	No
Alaska	Yes	Yes	Yes	Yes	Yes	No
Arizona	Yes	Yes	Yes	Yes	Yes	Yes
Arkansas	Yes D	Yes D	Yes	Yes D	Yes	No
California	Yes	Yes	Yes	Yes	Yes	No
Colorado	Yes	Yes	Yes	Yes	Yes	No
Connecticut	Yes	Yes	Yes	Yes	Yes	No
Delaware	Yes	Yes	Yes	Yes	Yes	No
District of Columbia	Yes	Yes	Yes	Yes	Yes	No
Florida	Yes	Yes	Yes	Yes	Yes	No G
Georgia	Yes	Yes	Yes	Yes	Yes	No
Guam	Yes	Yes	Yes	Yes	Yes	Yes B
Hawaii	Yes	Yes	Yes	Yes	Yes	No
Idaho	Yes	Yes	Yes	Yes	Yes	No
Illinois	Yes	Yes	Yes	Yes	Yes	No
Indiana	Yes	Yes	Yes	Yes	Yes	No
Iowa	Yes	Yes	Yes	Yes	Yes	No
Kansas	Yes	Yes	Yes	Yes	Yes	No
Kentucky	Yes	Yes	Yes	Yes	Yes	No
Louisiana	Yes	Yes	Yes	Yes	Yes	No
Maine	Yes	Yes	Yes	Yes	Yes	No
Maryland	Yes O, WW	No	Yes O	Yes O	Yes	No
Massachusetts	Yes Q	Yes Q	Yes Q	Yes Q	Yes Q	No Q
Michigan	Yes R	Yes R	Yes R	Yes R	Yes R	No
Minnesota	Yes	Yes	Yes	Yes	Yes	No
Mississippi	Yes	Yes	Yes	Yes	Yes	No
Missouri	Yes R	Yes R	Yes R	Yes R	Yes R	No
Montana	U	U	U	U	U	No
Nebraska	Yes	Yes	Yes	Yes	Yes	Z
Nevada	Yes	Yes	Yes	Yes	Yes	Yes
New Hampshire	Yes	Yes	Yes	Yes	Yes	No
New Jersey	Yes	Yes	Yes	Yes	Yes	No
New Mexico	Yes	Yes	Yes	Yes	Yes	No
New York	Yes H	Yes H	Yes H	Yes H	Yes H	No
North Carolina	Yes	Yes	No	No	No	No
North Dakota	Yes	Yes	No	No	Yes	No
Ohio	Yes R	Yes R	Yes R	Yes R	Yes R	No
Oklahoma	Yes	Yes	Yes	Yes	Yes	No
Oregon	Yes	Yes	Yes	Yes	Yes	N/A
Pennsylvania	Yes	Yes	Yes	Yes	Yes	No G
Puerto Rico	No DD	No DD	No DD	No DD	CC	No DD
Rhode Island	Yes	Yes	Yes	Yes	Yes	No
South Carolina	Yes BB	Yes BB	Yes BB	Yes BB	Yes BB	No
South Dakota	Yes	Yes	Yes	Yes	Yes	No
Tennessee	Yes	Yes	Yes	Yes	Yes	No G
Texas	Yes EE	Yes EE	Yes EE	Yes EE	Yes	No
Utah	No E	No E	No E	No E	Yes	No
Vermont	Yes	Yes	Yes	Yes	Yes	No GG
Virginia	Yes HH	Yes HH	Yes R	No	Yes	No
Washington	Yes	Yes	Yes	Yes	Yes	Not licensed
West Virginia	JJ	JJ	JJ	JJ	JJ	JJ
Wisconsin	Yes	Yes	Yes	Yes	Yes	No
Wyoming	Yes	Yes	Yes	Yes	Yes	No

Cori Cook
EBMS

245-3575

XXV. Dispensing Authority (cont.)

State	OB/GYN Nurse Practitioner	Pediatric Nurse Practitioner	Psychiatric Nurse Practitioner	Optometrist	Naturopathic Doctor
Alabama	Yes	Yes	Yes	Yes	No
Alaska	Yes A	Yes A	Yes A	Yes B	No
Arizona	Yes	Yes	Yes	Yes B	Yes B
Arkansas	No	No	No	No	No
California	Yes TT	Yes TT	Yes TT	Yes	Yes
Colorado	No	No	No	Yes B	No
Connecticut	Yes A	Yes A	Yes A	Yes	Yes B
Delaware	Yes J	Yes J	Yes J	Yes J	No
District of Columbia	Yes UU	Yes UU	Yes UU	Yes	No
Florida	No	No	No	Yes	Yes
Georgia	Yes K	Yes K	Yes K	Yes	No
Guam	Yes S	Yes S	Yes S	Yes B	Yes
Hawaii	No	No	No	Yes	No I
Idaho	QQ	QQ	QQ	Yes	Yes XX
Illinois	Yes W	Yes W	Yes W	No	No
Indiana	Yes NN	Yes NN	Yes NN	Yes B	No
Iowa	No N	No N	No N	No VV	No
Kansas	No	No	No	Yes B	No
Kentucky	Yes V	Yes V	Yes V	Yes B	No
Louisiana	No	No	No	No	No
Maine	Yes	Yes	Yes	Yes	Yes
Maryland	Yes O	Yes O	No	No	No
Massachusetts	Yes Q	Yes Q	Yes Q	Yes Q	No
Michigan	Yes RR	Yes RR	Yes RR	Yes SS	No
Minnesota	Yes	Yes	Yes	No	No
Mississippi	No	No	No	Limited	No
Missouri	Yes T	Yes T	Yes T	Yes R	No
Montana	U	U	U	U	U
Nebraska	Yes V	Yes V	Yes V	Yes	Z
Nevada	No	No	No	Yes	No
New Hampshire	Yes	Yes	Yes	Yes B, X	No
New Jersey	—	—	—	No	No
New Mexico	Yes B	Yes B	Yes B	Yes B	N/A
New York	Yes H	Yes H	Yes H	Yes H	No
North Carolina	Yes Y	Yes Y	Yes Y	No	No
North Dakota	Yes	Yes	Yes	No	No
Ohio	Yes B, O, R	Yes B, O, R	Yes B, O, R	Yes B, O, R	No
Oklahoma	No	No	No	No	No
Oregon	Yes AA	Yes AA	Yes AA	Yes	Yes
Pennsylvania	PP	PP	PP	Limited	No G
Puerto Rico	No DD	No DD	No DD	No DD	No DD
Rhode Island	No A	No A	No A	Limited P	No
South Carolina	No	No	No	No	No
South Dakota	Yes	Yes	Yes	Yes	No
Tennessee	Yes	Yes	Yes	Yes	No G
Texas	Yes FF	Yes FF	Yes FF	Yes B	No
Utah	No E	No E	No E	No	No
Vermont	Yes	Yes	Yes	Yes	Yes B
Virginia	No GG	No GG	No GG	No	No
Washington	Yes II	Yes II	Yes II	Yes	Yes
West Virginia	II	II	II	II	II
Wisconsin	No	No	No	No	No
Wyoming A	No	No	No	Yes	No

XXV. Dispensing Authority (cont.)

2007
National Association
of Boards of PharmacySurvey of
Pharmacy
Law

LEGEND

- A — Any nurse practitioner (NP) must be advanced to dispense. (WY — And certified.)
- B — Limited formulary.
- C — "Yes" if also an NP.
- D — With special permit only.
- E — Except may dispense samples.
- F — Registered Nurse (RN) may dispense in clinic.
- G — Not licensed by this state.
- H — All prescribers are subject to restrictions on dispensing. Contact Board office.
- I — Naturopathic Doctors are only allowed to prescribe and dispense prescription drugs that are vitamins, minerals, amino acids, and fatty acids.
- J — Only if approved by the Board of Medical Practice.
- K — Only by accordance with Pharmacy Board rules via a signed dispensing procedure and under the authority of a job description (physician assistants (PA)) or a nurse protocol.
- L — Per advanced registered nurse practitioners (ARNP) with prescriptive authority formulary.
- M — PAs may only "supply" drugs.
- N — However, "Certified" Clinical Nurse Specialists (CNS), "Certified" Nurse Midwives, and "Certified" NPs (ARNP classifications) may do so.
- O — Under specified conditions, such as certain clinics.
- P — Topical ophthalmics.
- Q — A practitioner in MA may "dispense" as limited by provision in GLC.94 [Section 9 (a)(b)(c)(d)].
- R — May dispense only to his/her own patients.
- S — Based on National Specialty Scope of practice.
- T — Under authority of collaborative practice arrangement with doctor and limited to 72-hour supply.
- U — MCA 37-2-104. Dispensing of drugs by medical practitioners unlawful -- exceptions. (1) Except as otherwise provided by this section, it is unlawful for a medical practitioner to engage, directly or indirectly, in the dispensing of drugs. (2) Nothing in this section prohibits: (a) a medical practitioner from furnishing a patient any drugs in an emergency; (b) the administration of a unit dose of a drug to a patient by or under the supervision of such medical practitioner; (c) dispensing a drug to a patient by a medical practitioner whenever there is no community pharmacy available to the patient; (d) the dispensing of drugs occasionally, but not as a usual course of doing business, by a medical practitioner; (e) a medical practitioner from dispensing drug samples.
- V — Samples only. (KY — non-controlled substances.)
- W — When acting as agent of physician.
- X — Only Therapeutic Pharmaceutical Agents-certified Optometrists.
- Y — Under rules of the Board of Pharmacy.
- Z — Not licensed.
- AA — Must have special authority from the Board of Nursing or must be working under the authority of the Board of Pharmacy through a licensed family planning clinic.
- BB — May dispense drugs or devices that are the lawful property of the practitioner or a partnership or corporate entity which is fully owned by licensed practitioners. Drugs or medicine dispensed must comply with the labeling requirements of state and federal laws and regulations.
- CC — Limited to veterinary products.
- DD — Pharmacy Act allows only pharmacists to dispense prescriptions.
- EE — Except for Veterinarians, dispensing is severely restricted. Contact the Board office.
- FF — PAs and registered nurses who have advanced training may dispense their supervising physician's samples only. RNs must be recognized by the Nursing Board. PAs must be recognized by the Medical Board. Both must have specialized training and education.
- GG — Except if allowed to prescribe, may dispense manufacturer's samples only of those drugs authorized to prescribe.
- HH — Except for samples, must be licensed by Board of Pharmacy.
- II — Included in ARNP classification. CII-IV limited to 72 hours.
- JJ — State pharmacy law and Board regulations do not apply to these occupational groups. The Boards of Medicine, Osteopathy, Dental, Veterinarian, Registered Professional Nurses, and Optometry regulate these various occupational groups.
- KK — Restricted samples, unless the treatment facility at which the patient is treated is located at least 30 miles from the nearest pharmacy.
- LL — Only if certified.
- MM — If licensed to prescribe, may dispense only items on their protocol.
- NN — "Advanced Practice Nurses" presumably have dispensing authority, although it is not explicitly authorized. The state does not necessarily recognize each listed nursing specialty.
- OO — No such designation in this state.
- PP — Limited, based on formulary and written agreement with supervising physician.
- QQ — Certified nurse midwives, CNSs, NPs, and Registered Nurse Anesthetists may dispense.
- RR — Under delegation and restrictions apply.
- SS — Limited drugs.

Legend continues on page 88.

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Survey of Pharmacy Law

XXV. Dispensing Authority (cont.)

LEGEND — cont.

TT — PAs and all NPs may provide medication pursuant to a protocol with a prescriber if prepackaged by the manufacturer, physician, or pharmacist.

UU — Only NPs, CNSs, nurse midwives, and nurse anesthetists who are licensed by the DC Board of Nursing as an ARNP have dispensing authority.

VV — Therapeutically certified optometrist may supply without charge limited diagnostic and therapeutic agents.

WW — If approved as dispensing physician by board of pharmacy.

XX — If approved by formulary council.