



American Society for Pharmacy Law

Communicating current legal information to
attorneys and pharmacists...

PATIENT COUNSELING

Illinois toughens rules on patient counseling

According to an article in the *Chicago Tribune*, the Illinois Division of Professional Regulation published new rules effective on August 18 that are intended to assure that patients receive counseling on new medications or changes to their therapy, and replaces the “offer to counsel” rule that reportedly resulted in 52% of Chicago area pharmacies failing to provide counseling to patients about known drug interactions. The report indicates that Illinois Governor Bruce Rauner had pushed the agency to adopt stiffer rules following investigations published in December 2016 by the *Tribune*. Rauner is also planning to call for “beefing up state oversight, including directing inspectors to check stores more thoroughly regarding adverse drug reactions and launching a ‘mystery shopper’ program to test drugstore compliance.” A related regulation requires retail pharmacies to post signs directing patients to a consumer hotline where they may report instances of inadequate counseling.

The agency published FAQs on its website that outline the major features of the new regulations. (1) Counseling is *required* by a pharmacist or a pharmacy intern:

- Prior to dispensing a prescription to a new patient of the pharmacy;
- Prior to dispensing a new medication to an existing patient of the pharmacy; and
- Prior to dispensing a medication where the dose, strength, route of administration, or directions for use has changed for an existing prescription previously dispensed to an existing patient of the pharmacy.

An offer to counsel is required for all other types of patient interactions. Counseling or offers must be made to the patient or to an agent of the patient who is picking up the prescription. If a patient refuses counseling, the refusal must be documented in the pharmacy’s records, but the agency warns that “attempting to circumvent patient counseling requirements or otherwise discouraging patients from receiving patient counseling ... is considered unprofessional and unethical conduct.” [Long R, Roe S. Illinois new pharmacy rules to improve consumer safety may start today. *Chicago Tribune* 2017 Aug 18; <http://trib.in/2x78jzV>; Div. of Prof. Regulation, Illinois Dept. of Financial and Prof. Regulation, Frequently asked questions (FAQs) on new patient counseling rules, 2017 Aug; <http://bit.ly/2wivx8x>]