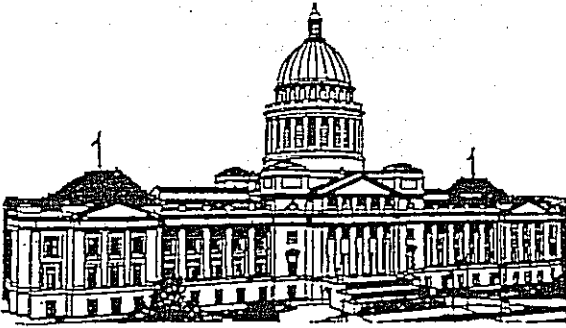


ARKANSAS REGISTER

Transmittal Sheet



Sharon Priest
Secretary of State
State Capitol Rm. 01
Little Rock, Arkansas 72201-1094

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Name of Agency Arkansas State Board of Pharmacy

Department _____

Contact Person John T. Douglas, P.D. Phone (501) 682-0190

Statutory Authority for Promulgating Rules 17-92-105 (A)

	REGULATION 52	Date
Intended Effective Date	Legal Notice Published	9/11, 9/12, 9/13, 9/14, 9/15
<u>December 1, 1997</u>		<u>9/16, and 9/17/97</u>
<input type="checkbox"/> Emergency	Final Date for Public Comment	<u>10/14/97</u>
<input type="checkbox"/> 10 Days After Filing	Filed With Legislative Council	<u>October, 1997</u>
<input type="checkbox"/> Other	Reviewed by Legislative Council	<u>November 6, 1997</u>
<u>December 1, 1997</u>	Adopted by State Agency	<u>10/14/97</u>

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

John T. Douglas P.D.
Signature

(501) 682-0190
Phone Number

Executive Director
Title

November 6, 1997
Date

FILED
97 NOV -7 AM 9:39
SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

FILED

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SHANNON PRIEST
SECRETARY
STATE OF ARKANSAS

52. Facsimile (Fax) Prescription Drug Order -- A prescription drug order which is transmitted by an electronic device which sends an exact copy image to the receiver (pharmacy) over telephone lines.

I. Faxing Schedule II Prescriptions

A. Faxing A Schedule II For A Home Infusion And/Or I.V. Pain Therapy Patient -- A prescription, written for a Schedule II narcotic substance to be compounded for the direct administration to a home infusion patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion, may be transmitted directly from the prescribing practitioner, by the practitioner or the practitioner's agent, to the pharmacy by facsimile. The facsimile serves as the original written prescription. This exception does not apply to oral dose medications. (Also see Regulation #56)

B. Faxing A Schedule II For A Long Term Care Patient -- A prescription written for a Schedule II substance, for a resident of a long-term care facility, may be transmitted directly from the prescribing individual practitioner, by the practitioner or the practitioner's agent, to the provider pharmacy by facsimile. The facsimile serves as the original written prescription. (See also Regulation #56)

C. A prescription written for a Schedule II substance, for a home hospice patient may be transmitted by the practitioner or the practitioner's agent to the dispensing pharmacy by facsimile. It must be noted on the prescription that this is a hospice patient. The facsimile serves as the original written prescription. (See Regulation #56)

II. Faxing From A Long Term Care Facility To A Pharmacy -- A pharmacist may accept a fax prescription from a long term care facility provided:

A. For Schedule II drugs, all requirements of a written prescription are met, including the prescriber's signature on the faxed order and it is faxed by the nurse/person the physician and the LTC facility has designated as his/her "agent" to transmit the order, and must contain the nurse/person's signature.

B. For drugs other than Schedule II, the order is faxed by the nurse/person the physician and the LTC facility has designated as his/her "agent" to transmit the order, and must contain the nurse/person's signature.

C. The pharmacist verifies the fax is from the machine in the LTC facility.

III. Faxed Prescriptions

- A. A pharmacist may dispense directly a controlled substance listed in Schedule III, IV, or V which is a prescription drug, or any legend drug, only pursuant to either a written prescription signed by a prescribing individual practitioner or a facsimile of a written signed prescription transmitted directly by the prescribing practitioner, or the practitioner's agent, to the pharmacy or pursuant to an oral prescription made by a prescribing individual practitioner, or the practitioner's agent, and promptly reduced to writing by the pharmacist.
- B. All law and regulation applicable to oral prescription drug orders shall also apply to all facsimile orders including, but not limited to, generic substitution, maintenance of records, information required, etc.
- C. A prescription order transmitted by facsimile device shall contain all prescription information required by federal and state law.
- D. A pharmacist may dispense prescription orders transmitted by fax only when signed by the prescribing practitioner and transmitted from the practitioner's office or a long term care facility in compliance with all sections of this document.
- E. The original fax shall be assigned the number of the prescription dispensed, and maintained in pharmacy records for at least two years.
- F. The receiving fax machine must be in the prescription department of the pharmacy to protect patient/pharmacist authorized prescribing practitioner confidentiality and security.
- G. Refill authorizations for prescriptions, other than Schedule II, may be transmitted using a facsimile device.

IV. Patient/Prescriber Consideration

- A. No pharmacist shall enter into any agreement with a practitioner or health care facility concerning the provision of facsimile machine services or equipment which adversely affects any person's freedom to choose the pharmacy at which a prescription will be filled.
- B. A pharmacy/pharmacist shall not provide a fax machine to a prescriber, a long term care facility, or any healthcare facility free of charge or for less than the pharmacy/pharmacist cost.
- C. No agreement between a prescriber and a pharmacy shall require that prescription orders be transmitted by facsimile machine from the prescriber to only that pharmacy.
- D. A pharmacy/pharmacist shall not enter into any agreement whereby the pharmacy/pharmacist pays to obtain the prescription order by fax or any electronic data transfer.
(10/12/93 Amended 2/15/95, October , 1997)

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