

RULE ANALYSIS

Introduction: THE AMENDMENTS ARE SUBMITTED TO THE BOARD FOR CONSIDERATION AS A PROPOSED RULE

Short Title: Professional Responsibility

Rule Numbers: §291.29

Statutory Authority: Chapter 55, Occupations Code and Texas Pharmacy Act, Chapter 551-566 and 568-569, Occupations Code:

- (1) section 551.002 specifies that the purpose of the Act is to protect the public through the effective control and regulation of the practice of pharmacy; and
- (2) Section 554.051 gives the Board the authority to adopt rules for the proper administration and enforcement of the Act.

Purpose: The amendments, if adopted, clarify the pharmacist's responsibilities for dispensing prescriptions issued for controlled substances and outline procedures for reviewing information in the prescription monitoring program.

Background: Board staff recommends updating the requirements with regard to dispensing prescriptions for controlled substances and accessing the prescription monitoring program.

1 CHAPTER 291 PHARMACIES
2 SUBCHAPTER A ALL CLASSES OF PHARMACIES

3
4 **§291.29 Professional Responsibility of Pharmacists**

5
6 (a) – (e) (No change.)
7

8 **(f) A pharmacist shall access the Prescription Access in Texas (PAT) prior**
9 **to dispensing a prescription drug order for a controlled substance to a**
10 **person who has not previously received a prescription for a controlled**
11 **substance from the dispensing pharmacy. If a pharmacist dispenses the**
12 **prescription drug order for a controlled substance after the pharmacist**
13 **reviews the data in the PAT and the factors described in this subchapter,**
14 **and considers or takes other measures to determine that the prescription**
15 **drug order for a controlled substance was issued for a legitimate medical**
16 **purpose, the pharmacist shall document in the pharmacy's records the**
17 **date that the PAT was accessed and any other relevant factor.**
18

19 **(g) Prior to dispensing a refill of the prescription drug order specified in**
20 **subsection (f) of this section or a new prescription drug order for a**
21 **controlled substance to the person referenced in subsection (f) of this**
22 **section, the pharmacist shall contact the prescribing practitioner and**
23 **obtain additional information regarding the person's diagnosis and other**
24 **treatment modalities that the practitioner has employed to treat the patient,**
25 **and document the diagnosis and other relevant information in the**
26 **pharmacy's records.**
27

28 **(h) Prior to the delivery of a prescription drug order for a controlled**
29 **substance, pharmacy personnel must confirm the identity of the person to**
30 **whom the controlled substance is delivered and document that person's**
31 **name, address, and date of birth. If a person is picking up prescriptions for**
32 **more than one individual, the pharmacist shall note the relationships of the**
33 **person picking up the prescriptions to the individuals for whom the**
34 **prescriptions are prescribing and the authority to pick up the prescriptions.**
35

36 **(i) The pharmacist shall verify the licensure status and disciplinary history**
37 **of the practitioner if the pharmacist has reason to suspect the absence of a**
38 **valid patient-practitioner relationship or the absence of a legitimate medical**
39 **purpose for the prescription.**

North Carolina

§ 90-106.1. Photo ID requirement for Schedule II controlled substances.

(a) Immediately prior to dispensing a Schedule II controlled substance, or any of the Schedule III controlled substances listed in subdivisions 1. through 8. of G.S. 90-91(d), each pharmacy holding a valid permit pursuant to G.S. 90-85.21 shall require the person seeking the dispensation to present one of the following valid, unexpired forms of government-issued photographic identification: (i) a drivers license, (ii) a special identification card issued under G.S. 20-37.7, (iii) a military identification card, or (iv) a passport. Upon presentation of the required photographic identification, the pharmacy shall document the name of the person seeking the dispensation, the type of photographic identification presented by the person seeking the dispensation, and the photographic identification number. The pharmacy shall retain this identifying information on the premises or at a central location apart from the premises as part of its business records for a period of three years following dispensation.

(b) The pharmacy shall make the identifying information available to any person authorized under G.S. 90-113.74 to receive prescription information data in the controlled substances reporting system within 72 hours after a request for the identifying information. A pharmacy that submits the identifying information required under this section to the controlled substances reporting system established and maintained pursuant to G.S. 90-113.73 is deemed in compliance with this subsection.

(c) Nothing in this section shall be deemed to require that the person seeking the dispensation and the person to whom the prescription is issued be the same person, and nothing in this section shall apply to the dispensation of controlled substances to employees of "health care facilities", as that term is defined in G.S. 131E-256(b), when the controlled substances are delivered to the health care facilities for the benefit of residents or patients of such health care facilities. (2011-349, s. 1.)