

RULE ANALYSIS

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

Short Title: Records.

Rule Numbers: §291.34

Statutory Authority: Texas Pharmacy Act, Chapter 551-569, 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Purpose: The amendments, if adopted, remove an outdated reference to the Department of Public Safety and correct grammatical errors.

1 **TITLE 22 EXAMINING BOARDS**
2 **PART 15 TEXAS STATE BOARD OF PHARMACY**
3 **CHAPTER 291 PHARMACIES**
4 **SUBCHAPTER B COMMUNITY PHARMACY (CLASS A)**

5 **§291.34. Records.**

6 (a) Maintenance of records.

7 (1) Every inventory or other record required to be kept under the provisions of Subchapter B of
8 this chapter (relating to Community Pharmacy (Class A)) shall be:

9 (A) kept by the pharmacy at the pharmacy's licensed location and be available, for at least
10 two years from the date of such inventory or record, for inspecting and copying by the board or
11 its representative and to other authorized local, state, or federal law enforcement agencies; and

12 (B) supplied by the pharmacy within 72 hours, if requested by an authorized agent of the
13 Texas State Board of Pharmacy. If the pharmacy maintains the records in an electronic format,
14 the requested records must be provided in a mutually agreeable electronic format if specifically
15 requested by the board or its representative. Failure to provide the records set out in this
16 section, either on site or within 72 hours, constitutes prima facie evidence of failure to keep and
17 maintain records in violation of the Act.

18 (2) Records of controlled substances listed in Schedule II shall be maintained separately from
19 all other records of the pharmacy.

20 (3) Records of controlled substances, other than prescription drug orders, listed in Schedules
21 III-V shall be maintained separately or readily retrievable from all other records of the pharmacy.
22 For purposes of this subsection, readily retrievable means that the controlled substances shall
23 be asterisked, red-lined, or in some other manner readily identifiable apart from all other items
24 appearing on the record.

25 (4) Records, except when specifically required to be maintained in original or hard copy form,
26 may be maintained in an alternative data retention system, such as a data processing system or
27 direct imaging system provided:

28 (A) the records maintained in the alternative system contain all of the information required on
29 the manual record; and

30 (B) the data processing system is capable of producing a hard copy of the record upon the
31 request of the board, its representative, or other authorized local, state, or federal law
32 enforcement or regulatory agencies.

33 (b) Prescriptions.

34 (1) Professional responsibility.

35 (A) Pharmacists shall exercise sound professional judgment with respect to the accuracy and
36 authenticity of any prescription drug order they dispense. If the pharmacist questions the
37 accuracy or authenticity of a prescription drug order, he/she shall verify the order with the
38 practitioner prior to dispensing.

39 (B) Prior to dispensing a prescription, pharmacists shall determine, in the exercise of sound
40 professional judgment, that the prescription is a valid prescription. A pharmacist may not
41 dispense a prescription drug unless the pharmacist complies with the requirements of §562.056
42 and §562.112 of the Act, and §291.29 of this title (relating to Professional Responsibility of
43 Pharmacists).

44 (C) Subparagraph (B) of this paragraph does not prohibit a pharmacist from dispensing a
45 prescription when a valid patient-practitioner relationship is not present in an emergency
46 situation (e.g., a practitioner taking calls for the patient's regular practitioner).

47 (D) The owner of a Class A pharmacy shall have responsibility for ensuring its agents and
48 employees engage in appropriate decisions regarding dispensing of valid prescriptions as set
49 forth in §562.112 of the Act.

50 (2) Written prescription drug orders.

51 (A) Practitioner's signature.

52 (i) Dangerous drug prescription orders. Written prescription drug orders shall be:

53 (I) manually signed by the practitioner; or

54 (II) electronically signed by the practitioner using a system that electronically replicates the
55 practitioner's manual signature on the written prescription, provided:

56 (-a-) that security features of the system require the practitioner to authorize each use;
57 and

58 (-b-) the prescription is printed on paper that is designed to prevent unauthorized copying
59 of a completed prescription and to prevent the erasure or modification of information written on
60 the prescription by the prescribing practitioner. (For example, the paper contains security
61 provisions against copying that results in some indication on the copy that it is a copy and
62 therefore render the prescription null and void.)

63 (ii) Controlled substance prescription orders. Prescription drug orders for Schedules II, III,
64 IV, or V controlled substances shall be manually signed by the practitioner. Prescription drug
65 orders for Schedule II controlled substances shall be issued on an official prescription form as
66 required by the Texas Controlled Substances Act, §481.075.

67 (iii) Other provisions for a practitioner's signature.

68 (I) A practitioner may sign a prescription drug order in the same manner as he would sign a
69 check or legal document, e.g., J.H. Smith or John H. Smith.

70 (II) Rubber stamped signatures may not be used.

71 (III) The prescription drug order may not be signed by a practitioner's agent but may be
72 prepared by an agent for the signature of a practitioner. However, the prescribing practitioner is
73 responsible in case the prescription drug order does not conform in all essential respects to the
74 law and regulations.

75 (B) Prescription drug orders written by practitioners in another state.

76 (i) Dangerous drug prescription orders. A pharmacist may dispense prescription drug orders
77 for dangerous drugs issued by practitioners in a state other than Texas in the same manner as
78 prescription drug orders for dangerous drugs issued by practitioners in Texas are dispensed.

79 (ii) Controlled substance prescription drug orders.

80 (I) A pharmacist may dispense prescription drug orders for Schedule II controlled
81 substances issued by a practitioner in another state provided:

82 (-a-) the prescription is dispensed as specified in §315.9 of this title (relating to Pharmacy
83 Responsibility - Out-of-State Practitioner - Effective September 1, 2016);

84 (-b-) the prescription drug order is an original written prescription issued by a person
85 practicing in another state and licensed by another state as a physician, dentist, veterinarian, or
86 podiatrist, who has a current federal Drug Enforcement Administration (DEA) registration
87 number, and who may legally prescribe Schedule II controlled substances in such other state;
88 and

89 (-c-) the prescription drug order is not dispensed after the end of the twenty-first day after
90 the date on which the prescription is issued.

91 (II) A pharmacist may dispense prescription drug orders for controlled substances in
92 Schedules III, IV, or V issued by a physician, dentist, veterinarian, or podiatrist in another state
93 provided:

94 (-a-) the prescription drug order is issued by a person practicing in another state and
95 licensed by another state as a physician, dentist, veterinarian, or podiatrist, who has a current
96 federal DEA registration number, and who may legally prescribe Schedules III, IV, or V
97 controlled substances in such other state;

98 (-b-) the prescription drug order is not dispensed or refilled more than six months from the
99 initial date of issuance and may not be refilled more than five times; and

100 (-c-) if there are no refill instructions on the original prescription drug order (which shall be
101 interpreted as no refills authorized) or if all refills authorized on the original prescription drug
102 order have been dispensed, a new prescription drug order is obtained from the prescribing
103 practitioner prior to dispensing any additional quantities of controlled substances.

104 (C) Prescription drug orders written by practitioners in the United Mexican States or the
105 Dominion of Canada.

106 (i) Controlled substance prescription drug orders. A pharmacist may not dispense a
107 prescription drug order for a Schedule II, III, IV, or V controlled substance issued by a
108 practitioner in the Dominion of Canada or the United Mexican States.

109 (ii) Dangerous drug prescription drug orders. A pharmacist may dispense a dangerous drug
110 prescription issued by a person licensed in the Dominion of Canada or the United Mexican
111 States as a physician, dentist, veterinarian, or podiatrist provided:

- 112 (I) the prescription drug order is an original written prescription; and
- 113 (II) if there are no refill instructions on the original written prescription drug order (which
114 shall be interpreted as no refills authorized) or if all refills authorized on the original written
115 prescription drug order have been dispensed, a new written prescription drug order shall be
116 obtained from the prescribing practitioner prior to dispensing any additional quantities of
117 dangerous drugs.
- 118 (D) Prescription drug orders issued by an advanced practice registered nurse, physician
119 assistant, or pharmacist.
- 120 (i) A pharmacist may dispense a prescription drug order that is:
- 121 (I) issued by an advanced practice registered nurse or physician assistant provided the
122 advanced practice registered nurse or physician assistant is practicing in accordance with
123 Subtitle B, Chapter 157, Occupations Code; and
- 124 (II) for a dangerous drug and signed by a pharmacist under delegated authority of a
125 physician as specified in Subtitle B, Chapter 157, Occupations Code.
- 126 (ii) Each practitioner shall designate in writing the name of each advanced practice
127 registered nurse or physician assistant authorized to issue a prescription drug order pursuant to
128 Subtitle B, Chapter 157, Occupations Code. A list of the advanced practice registered nurses or
129 physician assistants designated by the practitioner must be maintained in the practitioner's
130 usual place of business. On request by a pharmacist, a practitioner shall furnish the pharmacist
131 with a copy of the written authorization for a specific advanced practice registered nurse or
132 physician assistant.
- 133 (E) Prescription drug orders for Schedule II controlled substances. No Schedule II controlled
134 substance may be dispensed without a written prescription drug order of a practitioner on an
135 official prescription form as required by the Texas Controlled Substances Act, §481.075.
- 136 (3) Verbal prescription drug orders.
- 137 (A) A verbal prescription drug order from a practitioner or a practitioner's designated agent
138 may only be received by a pharmacist or a pharmacist-intern under the direct supervision of a
139 pharmacist.
- 140 (B) A practitioner shall designate in writing the name of each agent authorized by the
141 practitioner to communicate prescriptions verbally for the practitioner. The practitioner shall
142 maintain at the practitioner's usual place of business a list of the designated agents. The
143 practitioner shall provide a pharmacist with a copy of the practitioner's written authorization for a
144 specific agent on the pharmacist's request.
- 145 (C) A pharmacist may not dispense a verbal prescription drug order for a dangerous drug or a
146 controlled substance issued by a practitioner licensed in the Dominion of Canada or the United
147 Mexican States unless the practitioner is also licensed in Texas.
- 148 (4) Electronic prescription drug orders.
- 149 (A) Dangerous drug prescription orders.

150 (i) An electronic prescription drug order for a dangerous drug may be transmitted by a
151 practitioner or a practitioner's designated agent:

152 (I) directly to a pharmacy; or

153 (II) through the use of a data communication device provided:

154 (-a-) the confidential prescription information is not altered during transmission; and

155 (-b-) confidential patient information is not accessed or maintained by the operator of the
156 data communication device other than for legal purposes under federal and state law.

157 (ii) A practitioner shall designate in writing the name of each agent authorized by the
158 practitioner to electronically transmit prescriptions for the practitioner. The practitioner shall
159 maintain at the practitioner's usual place of business a list of the designated agents. The
160 practitioner shall provide a pharmacist with a copy of the practitioner's written authorization for a
161 specific agent on the pharmacist's request.

162 (B) Controlled substance prescription orders. A pharmacist may only dispense an electronic
163 prescription drug order for a Schedule II, III, IV, or V controlled substance in compliance with
164 ~~the~~ federal and state laws and the rules of the Drug Enforcement Administration outlined in
165 Part 1300 of the Code of Federal Regulations ~~and Texas Department of Public Safety~~.

166 (C) Prescriptions issued by a practitioner licensed in the Dominion of Canada or the United
167 Mexican States. A pharmacist may not dispense an electronic prescription drug order for a
168 dangerous drug or controlled substance issued by a practitioner licensed in the Dominion of
169 Canada or the United Mexican States unless the practitioner is also licensed in Texas.

170 (5) Facsimile (faxed) prescription drug orders.

171 (A) A pharmacist may dispense a prescription drug order for a dangerous drug transmitted to
172 the pharmacy by facsimile.

173 (B) A pharmacist may dispense a prescription drug order for a Schedule III-V controlled
174 substance transmitted to the pharmacy by facsimile provided the prescription is manually signed
175 by the practitioner and not electronically signed using a system that electronically replicates the
176 practitioner's manual signature on the prescription drug order.

177 (C) A pharmacist may not dispense a facsimile prescription drug order for a dangerous drug or
178 controlled substance issued by a practitioner licensed in the Dominion of Canada or the United
179 Mexican States unless the practitioner is also licensed in Texas.

180 (6) Original prescription drug order records.

181 (A) Original prescriptions may be dispensed only in accordance with the prescriber's
182 authorization as indicated on the original prescription drug order, including clarifications to the
183 order given to the pharmacist by the practitioner or the practitioner's agent and recorded on the
184 prescription.

185 (B) Notwithstanding subparagraph (A) of this paragraph, a pharmacist may dispense a
186 quantity less than indicated on the original prescription drug order at the request of the patient
187 or patient's agent.

188 (C) Original prescriptions shall be maintained by the pharmacy in numerical order and remain
189 legible for a period of two years from the date of filling or the date of the last refill dispensed.

190 (D) If an original prescription drug order is changed, such prescription order shall be invalid
191 and of no further force and effect; if additional drugs are to be dispensed, a new prescription
192 drug order with a new and separate number is required. However, an original prescription drug
193 order for a dangerous drug may be changed in accordance with paragraph (10) of this
194 subsection relating to accelerated refills.

195 (E) Original prescriptions shall be maintained in three separate files as follows:

196 (i) prescriptions for controlled substances listed in Schedule II;

197 (ii) prescriptions for controlled substances listed in Schedules III-V; and

198 (iii) prescriptions for dangerous drugs and nonprescription drugs.

199 (F) Original prescription records other than prescriptions for Schedule II controlled
200 substances may be stored in a system that is capable of producing a direct image of the original
201 prescription record, e.g., a digitalized imaging system. If original prescription records are stored
202 in a direct imaging system, the following is applicable:

203 (i) the record of refills recorded on the original prescription must also be stored in this
204 system;

205 (ii) the original prescription records must be maintained in numerical order and separated in
206 three files as specified in subparagraph (D) of this paragraph; and

207 (iii) the pharmacy must provide immediate access to equipment necessary to render the
208 records easily readable.

209 (7) Prescription drug order information.

210 (A) All original prescriptions shall bear:

211 (i) the name of the patient, or if such drug is for an animal, the species of such animal and
212 the name of the owner;

213 (ii) the address of the patient; **[7]** provided, however, **that** a prescription for a dangerous drug
214 is not required to bear the address of the patient if such address is readily retrievable on another
215 appropriate, uniformly maintained pharmacy record, such as medication records;

216 (iii) the name, address and telephone number of the practitioner at the practitioner's usual
217 place of business, legibly printed or stamped, and if for a controlled substance, the DEA
218 registration number of the practitioner;

219 (iv) the name and strength of the drug prescribed;

- 220 (v) the quantity prescribed numerically, and if for a controlled substance:
- 221 (I) numerically, followed by the number written as a word, if the prescription is written;
- 222 (II) numerically, if the prescription is electronic; or
- 223 (III) if the prescription is communicated orally or telephonically, as transcribed by the
224 receiving pharmacist;
- 225 (vi) directions for use;
- 226 (vii) the intended use for the drug unless the practitioner determines the furnishing of this
227 information is not in the best interest of the patient;
- 228 (viii) the date of issuance;
- 229 (ix) if a faxed prescription:
- 230 (I) a statement that indicates that the prescription has been faxed (e.g., Faxed to); and
- 231 (II) if transmitted by a designated agent, the name of the designated agent;
- 232 (x) if electronically transmitted:
- 233 (I) the date the prescription drug order was electronically transmitted to the pharmacy, if
234 different from the date of issuance of the prescription; and
- 235 (II) if transmitted by a designated agent, the name of the designated agent; and
- 236 (xi) if issued by an advanced practice nurse or physician assistant in accordance with
237 Subtitle B, Chapter 157, Occupations Code:
- 238 (I) the name, address, telephone number, and if the prescription is for a controlled
239 substance, the DEA number of the supervising practitioner; and
- 240 (II) the address and telephone number of the clinic where the prescription drug order was
241 carried out or signed; and
- 242 (xii) if communicated orally or telephonically:
- 243 (I) the initials or identification code of the transcribing pharmacist; and
- 244 (II) the name of the prescriber or prescriber's agent communicating the prescription
245 information.
- 246 (B) At the time of dispensing, a pharmacist is responsible for documenting the following
247 information on either the original hardcopy prescription or in the pharmacy's data processing
248 system:
- 249 (i) the unique identification number of the prescription drug order;
- 250 (ii) the initials or identification code of the dispensing pharmacist;

- 251 (iii) the initials or identification code of the pharmacy technician or pharmacy technician
252 trainee performing data entry of the prescription, if applicable;
- 253 (iv) the quantity dispensed, if different from the quantity prescribed;
- 254 (v) the date of dispensing, if different from the date of issuance; and
- 255 (vi) the brand name or manufacturer of the drug or biological product actually dispensed, if
256 the drug was prescribed by generic name or interchangeable biological name or if a drug or
257 interchangeable biological product other than the one prescribed was dispensed pursuant to the
258 provisions of the Act, Chapters 562 and 563.

259 (C) Prescription drug orders may be utilized as authorized in Title 40, Part 1, Chapter 19 of
260 the Texas Administrative Code.

261 (i) A prescription drug order is not required to bear the information specified in subparagraph
262 (A) of this paragraph if the drug is prescribed for administration to an ultimate user who is
263 institutionalized in a licensed health care institution (e.g., nursing home, hospice, hospital). Such
264 prescription drug orders must contain the following information:

- 265 (I) the full name of the patient;
- 266 (II) the date of issuance;
- 267 (III) the name, strength, and dosage form of the drug prescribed;
- 268 (IV) directions for use; and
- 269 (V) the signature(s) required by 40 TAC §19.1506.

270 (ii) Prescription drug orders for dangerous drugs shall not be dispensed following one year
271 after the date of issuance unless the authorized prescriber renews the prescription drug order.

272 (iii) Controlled substances shall not be dispensed pursuant to a prescription drug order
273 under this subparagraph.

274 (8) Refills.

275 (A) General information.

276 (i) Refills may be dispensed only in accordance with the prescriber's authorization as
277 indicated on the original prescription drug order except as authorized in paragraph (10) of this
278 subsection relating to accelerated refills.

279 (ii) If there are no refill instructions on the original prescription drug order (which shall be
280 interpreted as no refills authorized) or if all refills authorized on the original prescription drug
281 order have been dispensed, authorization from the prescribing practitioner shall be obtained
282 prior to dispensing any refills and documented as specified in subsection (I) of this section.

283 (B) Refills of prescription drug orders for dangerous drugs or nonprescription drugs.

284 (i) Prescription drug orders for dangerous drugs or nonprescription drugs may not be refilled
285 after one year from the date of issuance of the original prescription drug order.

286 (ii) If one year has expired from the date of issuance of an original prescription drug order for
287 a dangerous drug or nonprescription drug, authorization shall be obtained from the prescribing
288 practitioner prior to dispensing any additional quantities of the drug.

289 (C) Refills of prescription drug orders for Schedules III-V controlled substances.

290 (i) Prescription drug orders for Schedules III-V controlled substances may not be refilled
291 more than five times or after six months from the date of issuance of the original prescription
292 drug order, whichever occurs first.

293 (ii) If a prescription drug order for a Schedule III, IV, or V controlled substance has been
294 refilled a total of five times or if six months have expired from the date of issuance of the original
295 prescription drug order, whichever occurs first, a new and separate prescription drug order shall
296 be obtained from the prescribing practitioner prior to dispensing any additional quantities of
297 controlled substances.

298 (D) Pharmacist unable to contact prescribing practitioner. If a pharmacist is unable to contact
299 the prescribing practitioner after a reasonable effort, a pharmacist may exercise **his or her[his]**
300 professional judgment in refilling a prescription drug order for a drug, other than a Schedule II
301 controlled substance, without the authorization of the prescribing practitioner, provided:

302 (i) failure to refill the prescription might result in an interruption of a therapeutic regimen or
303 create patient suffering;

304 (ii) the quantity of prescription drug dispensed does not exceed a 72-hour supply;

305 (iii) the pharmacist informs the patient or the patient's agent at the time of dispensing that
306 the refill is being provided without such authorization and that authorization of the practitioner is
307 required for future refills;

308 (iv) the pharmacist informs the practitioner of the emergency refill at the earliest reasonable
309 time;

310 (v) the pharmacist maintains a record of the emergency refill containing the information
311 required to be maintained on a prescription as specified in this subsection;

312 (vi) the pharmacist affixes a label to the dispensing container as specified in §291.33(c)(7) of
313 this title; and

314 (vii) if the prescription was initially filled at another pharmacy, the pharmacist may exercise
315 **his or her[his]** professional judgment in refilling the prescription provided:

316 (I) the patient has the prescription container, label, receipt or other documentation from the
317 other pharmacy that contains the essential information;

318 (II) after a reasonable effort, the pharmacist is unable to contact the other pharmacy to
319 transfer the remaining prescription refills or there are no refills remaining on the prescription;

320 (III) the pharmacist, in **his or her**[his] professional judgment, determines that such a
321 request for an emergency refill is appropriate and meets the requirements of clause (i) of this
322 subparagraph; and

323 (IV) the pharmacist complies with the requirements of clauses (ii) - (vi) of this
324 subparagraph.

325 (E) Natural or manmade disasters. If a natural or manmade disaster has occurred that
326 prohibits the pharmacist from being able to contact the practitioner, a pharmacist may exercise
327 **his or her**[his] professional judgment in refilling a prescription drug order for a drug, other than
328 a Schedule II controlled substance, without the authorization of the prescribing practitioner,
329 provided:

330 (i) failure to refill the prescription might result in an interruption of a therapeutic regimen or
331 create patient suffering;

332 (ii) the quantity of prescription drug dispensed does not exceed a 30-day supply;

333 (iii) the governor has declared a state of disaster;

334 (iv) the board, through the executive director, has notified pharmacies that pharmacists may
335 dispense up to a 30-day supply of prescription drugs;

336 (v) the pharmacist informs the patient or the patient's agent at the time of dispensing that the
337 refill is being provided without such authorization and that authorization of the practitioner is
338 required for future refills;

339 (vi) the pharmacist informs the practitioner of the emergency refill at the earliest reasonable
340 time;

341 (vii) the pharmacist maintains a record of the emergency refill containing the information
342 required to be maintained on a prescription as specified in this subsection;

343 (viii) the pharmacist affixes a label to the dispensing container as specified in §291.33(c)(7)
344 of this title; and

345 (ix) if the prescription was initially filled at another pharmacy, the pharmacist may exercise
346 **his or her**[his] professional judgment in refilling the prescription provided:

347 (I) the patient has the prescription container, label, receipt or other documentation from the
348 other pharmacy that contains the essential information;

349 (II) after a reasonable effort, the pharmacist is unable to contact the other pharmacy to
350 transfer the remaining prescription refills or there are no refills remaining on the prescription;

351 (III) the pharmacist, in **his or her**[his] professional judgment, determines that such a
352 request for an emergency refill is appropriate and meets the requirements of clause (i) of this
353 subparagraph; and

354 (IV) the pharmacist complies with the requirements of clauses (ii) - (viii) of this
355 subparagraph.

356 (F) Auto-Refill Programs. A pharmacy may use a program that automatically refills
357 prescriptions that have existing refills available in order to improve patient compliance with and
358 adherence to prescribed medication therapy. The following is applicable in order to enroll
359 patients into an auto-refill program.

360 (i) Notice of the availability of an auto-refill program shall be given to the patient or patient's
361 agent, and the patient or patient's agent must affirmatively indicate that they wish to enroll in
362 such a program and the pharmacy shall document such indication.

363 (ii) The patient or patient's agent shall have the option to withdraw from such a program at
364 any time.

365 (iii) Auto-refill programs may be used for refills of dangerous drugs, and Schedules IV and V
366 controlled substances. Schedules II and III controlled substances may not be dispensed by an
367 auto-refill program.

368 (iv) As is required for all prescriptions, a drug regimen review shall be completed on all
369 prescriptions filled as a result of the auto-refill program. Special attention shall be noted for drug
370 regimen review warnings of duplication of therapy and all such conflicts shall be resolved with
371 the prescribing practitioner prior to refilling the prescription.

372 (9) Records Relating to Dispensing Errors. If a dispensing error occurs, the following is
373 applicable.

374 (A) Original prescription drug orders:

375 (i) shall not be destroyed and must be maintained in accordance with subsection (a) of this
376 section; and

377 (ii) shall not be altered. Altering includes placing a label or any other item over any of the
378 information on the prescription drug order (e.g., a dispensing tag or label that is affixed to back
379 of a prescription drug order must not be affixed on top of another dispensing tag or label in such
380 a manner as to obliterate the information relating to the error).

381 (B) Prescription drug order records maintained in a data processing system:

382 (i) shall not be deleted and must be maintained in accordance with subsection (a) of this
383 section;

384 (ii) may be changed only in compliance with subsection (e)(2)(B) of this section; and

385 (iii) if the error involved incorrect data entry into the pharmacy's data processing system, this
386 record must be either voided or cancelled in the data processing system, so that the incorrectly
387 entered prescription drug order may not be dispensed, or the data processing system must be
388 capable of maintaining an audit trail showing any changes made to the data in the system.

389 (10) Accelerated refills. In accordance with §562.0545 of the Act, a pharmacist may dispense
390 up to a 90-day supply of a dangerous drug pursuant to a valid prescription that specifies the
391 dispensing of a lesser amount followed by periodic refills of that amount if:

392 (A) the total quantity of dosage units dispensed does not exceed the total quantity of dosage
393 units authorized by the prescriber on the original prescription, including refills;

394 (B) the patient consents to the dispensing of up to a 90-day supply and the physician has
395 been notified electronically or by telephone;

396 (C) the physician has not specified on the prescription that dispensing the prescription in an
397 initial amount followed by periodic refills is medically necessary;

398 (D) the dangerous drug is not a psychotropic drug used to treat mental or psychiatric
399 conditions; and

400 (E) the patient is at least 18 years of age.

401 (c) Patient medication records.

402 (1) A patient medication record system shall be maintained by the pharmacy for patients to
403 whom prescription drug orders are dispensed.

404 (2) The patient medication record system shall provide for the immediate retrieval of
405 information for the previous 12 months that is necessary for the dispensing pharmacist to
406 conduct a prospective drug regimen review at the time a prescription drug order is presented for
407 dispensing.

408 (3) The pharmacist-in-charge shall assure that a reasonable effort is made to obtain and
409 record in the patient medication record at least the following information:

410 (A) full name of the patient for whom the drug is prescribed;

411 (B) address and telephone number of the patient;

412 (C) patient's age or date of birth;

413 (D) patient's gender;

414 (E) any known allergies, drug reactions, idiosyncrasies, and chronic conditions or disease
415 states of the patient and the identity of any other drugs currently being used by the patient which
416 may relate to prospective drug regimen review;

417 (F) pharmacist's comments relevant to the individual's drug therapy, including any other
418 information unique to the specific patient or drug; and

419 (G) a list of all prescription drug orders dispensed (new and refill) to the patient by the
420 pharmacy during the last two years. Such lists **shall[~~hall~~]** contain the following information:

421 (i) date dispensed;

422 (ii) name, strength, and quantity of the drug dispensed;

423 (iii) prescribing practitioner's name;

424 (iv) unique identification number of the prescription; and

425 (v) name or initials of the dispensing pharmacists.

426 (4) A patient medication record shall be maintained in the pharmacy for two years. If patient
427 medication records are maintained in a data processing system, all of the information specified
428 in this subsection shall be maintained in a retrievable form for two years and information for the
429 previous 12 months shall be maintained **online[on-line]**. A patient medication record must
430 contain documentation of any modification, change, or manipulation to a patient profile.

431 (5) Nothing in this subsection shall be construed as requiring a pharmacist to obtain, record,
432 and maintain patient information other than prescription drug order information when a patient or
433 patient's agent refuses to provide the necessary information for such patient medication
434 records.

435 (d) Prescription drug order records maintained in a manual system.

436 (1) Original prescriptions shall be maintained in three files as specified in subsection (b)(6)(D)
437 of this section.

438 (2) Refills.

439 (A) Each time a prescription drug order is refilled, a record of such refill shall be made:

440 (i) on the back of the prescription by recording the date of dispensing, the written initials or
441 identification code of the dispensing pharmacist, the initials or identification code of the
442 pharmacy technician or pharmacy technician trainee preparing the prescription label, if
443 applicable, and the amount dispensed. (If the pharmacist merely initials and dates the back of
444 the prescription drug order, he or she shall be deemed to have dispensed a refill for the full face
445 amount of the prescription drug order); or

446 (ii) on another appropriate, uniformly maintained, readily retrievable record, such as
447 medication records, that indicates by patient name the following information:

448 (I) unique identification number of the prescription;

449 (II) name and strength of the drug dispensed;

450 (III) date of each dispensing;

451 (IV) quantity dispensed at each dispensing;

452 (V) initials or identification code of the dispensing pharmacist;

453 (VI) initials or identification code of the pharmacy technician or pharmacy technician trainee
454 preparing the prescription label, if applicable; and

455 (VII) total number of refills for the prescription.

456 (B) If refill records are maintained in accordance with subparagraph (A)(ii) of this paragraph,
457 refill records for controlled substances in Schedules III-V shall be maintained separately from
458 refill records of dangerous drugs and nonprescription drugs.

459 (3) Authorization of refills. Practitioner authorization for additional refills of a prescription drug
460 order shall be noted on the original prescription, in addition to the documentation of dispensing
461 the refill as specified in subsection (l) of this section.

462 (4) Each time a modification, change, or manipulation is made to a record of dispensing,
463 documentation of such change shall be recorded on the back of the prescription or on another
464 appropriate, uniformly maintained, readily retrievable record, such as medication records. The
465 documentation of any modification, change, or manipulation to a record of dispensing shall
466 include the identification of the individual responsible for the alteration.

467 (e) Prescription drug order records maintained in a data processing system.

468 (1) General requirements for records maintained in a data processing system.

469 (A) Compliance with data processing system requirements. If a Class A pharmacy's data
470 processing system is not in compliance with this subsection, the pharmacy must maintain a
471 manual record keeping system as specified in subsection (d) of this section.

472 (B) Original prescriptions. Original prescriptions shall be maintained in three files as specified
473 in subsection (b)(6)(D) of this section.

474 (C) Requirements for backup systems.

475 (i) The pharmacy shall maintain a backup copy of information stored in the data processing
476 system using disk, tape, or other electronic backup system and update this backup copy on a
477 regular basis, at least monthly, to assure that data is not lost due to system failure.

478 (ii) Data processing systems shall have a workable (electronic) data retention system that
479 can produce an audit trail of drug usage for the preceding two years as specified in paragraph
480 (2)(H) of this subsection.

481 (D) Change or discontinuance of a data processing system.

482 (i) Records of dispensing. A pharmacy that changes or discontinues use of a data
483 processing system must:

484 (I) transfer the records of dispensing to the new data processing system; or

485 (II) purge the records of dispensing to a printout that contains the same information
486 required on the daily printout as specified in paragraph (2)(C) of this subsection. The information
487 on this hard copy printout shall be sorted and printed by prescription number and list each
488 dispensing for this prescription chronologically.

489 (ii) Other records. A pharmacy that changes or discontinues use of a data processing
490 system must:

491 (I) transfer the records to the new data processing system; or

492 (II) purge the records to a printout that contains all of the information required on the
493 original document.

494 (iii) Maintenance of purged records. Information purged from a data processing system must
495 be maintained by the pharmacy for two years from the date of initial entry into the data
496 processing system.

497 (E) Loss of data. The pharmacist-in-charge shall report to the board in writing any significant
498 loss of information from the data processing system within 10 days of discovery of the loss.

499 (2) Records of dispensing.

500 (A) Each time a prescription drug order is filled or refilled, a record of such dispensing shall
501 be entered into the data processing system.

502 (B) Each time a modification, change or manipulation is made to a record of dispensing,
503 documentation of such change shall be recorded in the data processing system. The
504 documentation of any modification, change, or manipulation to a record of dispensing shall
505 include the identification of the individual responsible for the alteration. Should the data
506 processing system not be able to record a modification, change, or manipulation to a record of
507 dispensing, the information should be clearly documented on the hard copy prescription.

508 (C) The data processing system shall have the capacity to produce a daily hard copy printout
509 of all original prescriptions dispensed and refilled. This hard copy printout shall contain the
510 following information:

511 (i) unique identification number of the prescription;

512 (ii) date of dispensing;

513 (iii) patient name;

514 (iv) prescribing practitioner's name^[§] and the supervising physician's name if the prescription
515 was issued by an advanced practice registered nurse, physician assistant or pharmacist;

516 (v) name and strength of the drug product actually dispensed; if generic name, the brand
517 name or manufacturer of drug dispensed;

518 (vi) quantity dispensed;

519 (vii) initials or an identification code of the dispensing pharmacist;

520 (viii) initials or an identification code of the pharmacy technician or pharmacy technician
521 trainee performing data entry of the prescription, if applicable;

522 (ix) if not immediately retrievable via computer display, the following shall also be included
523 on the hard copy printout:

524 (I) patient's address;

525 (II) prescribing practitioner's address;

526 (III) practitioner's DEA registration number, if the prescription drug order is for a controlled
527 substance;

- 528 (IV) quantity prescribed, if different from the quantity dispensed;
- 529 (V) date of issuance of the prescription drug order, if different from the date of dispensing;
- 530 and
- 531 (VI) total number of refills dispensed to date for that prescription drug order; and
- 532 (x) any changes made to a record of dispensing.

533 (D) The daily hard copy printout shall be produced within 72 hours of the date on which the
534 prescription drug orders were dispensed and shall be maintained in a separate file at the
535 pharmacy. Records of controlled substances shall be readily retrievable from records of non-
536 controlled substances.

537 (E) Each individual pharmacist who dispenses or refills a prescription drug order shall verify
538 that the data indicated on the daily hard copy printout is correct, by dating and signing such
539 document in the same manner as signing a check or legal document (e.g., J.H. Smith, or John
540 H. Smith) within seven days from the date of dispensing.

541 (F) In lieu of the printout described in subparagraph (C) of this paragraph, the pharmacy shall
542 maintain a log book in which each individual pharmacist using the data processing system shall
543 sign a statement each day, attesting to the fact that the information entered into the data
544 processing system that day has been reviewed by him or her and is correct as entered. Such
545 log book shall be maintained at the pharmacy employing such a system for a period of two
546 years after the date of dispensing; provided, however, that the data processing system can
547 produce the hard copy printout on demand by an authorized agent of the Texas State Board of
548 Pharmacy. If no printer is available on site, the hard copy printout shall be available within 72
549 hours with a certification by the individual providing the printout, **stating[that states]** that the
550 printout is true and correct as of the date of entry and such information has not been altered,
551 amended, or modified.

552 (G) The pharmacist-in-charge is responsible for the proper maintenance of such records, **for**
553 **ensuring[and responsible]** that such data processing system can produce the records outlined
554 in this section, and that such system is in compliance with this subsection.

555 (H) The data processing system shall be capable of producing a hard copy printout of an
556 audit trail for all **dispensing[dispensings]** (original and refill) of any specified strength and
557 dosage form of a drug (by either brand or generic name or both) during a specified time period.

558 (i) Such audit trail shall contain all of the information required on the daily printout as set out
559 in subparagraph (C) of this paragraph.

560 (ii) The audit trail required in this subparagraph shall be supplied by the pharmacy within 72
561 hours, if requested by an authorized agent of the Texas State Board of Pharmacy.

562 (I) Failure to provide the records set out in this subsection, either on site or within 72 hours
563 constitutes prima facie evidence of failure to keep and maintain records in violation of the Act.

564 (J) The data processing system shall provide **online[on-line]** retrieval (via computer display or
565 hard copy printout) of the information set out in subparagraph (C) of this paragraph of:

566 (i) the original controlled substance prescription drug orders currently authorized for refilling;
567 and

568 (ii) the current refill history for Schedules III, IV, and V controlled substances for the
569 immediately preceding six-month period.

570 (K) In the event that a pharmacy **using[that uses]** a data processing system experiences
571 system downtime, the following is applicable:

572 (i) an auxiliary procedure shall ensure that refills are authorized by the original prescription
573 drug order and that the maximum number of refills has not been exceeded, or authorization
574 from the prescribing practitioner shall be obtained prior to dispensing a refill; and

575 (ii) all of the appropriate data shall be retained for **online[on-line]** data entry as soon as the
576 system is available for use again.

577 (3) Authorization of refills. Practitioner authorization for additional refills of a prescription drug
578 order shall be noted as follows:

579 (A) on the hard copy prescription drug order;

580 (B) on the daily hard copy printout; or

581 (C) via the computer display.

582 (f) Limitation to one type of recordkeeping system. When filing prescription drug order
583 information a pharmacy may use only one of the two systems described in subsection (d) or (e)
584 of this section.

585 (g) Transfer of prescription drug order information. For the purpose of initial or refill dispensing,
586 the transfer of original prescription drug order information is permissible between pharmacies,
587 subject to the following requirements.

588 (1) The transfer of original prescription drug order information for controlled substances listed
589 in **Schedules[Schedule]** III, IV, or V for the purpose of refill dispensing is permissible between
590 pharmacies on a one-time basis only. However, pharmacies electronically sharing a real-time,
591 **online[on-line]** database may transfer up to the maximum refills permitted by law and the
592 prescriber's authorization.

593 (2) The transfer of original prescription drug order information for dangerous drugs is
594 permissible between pharmacies without limitation up to the number of originally authorized
595 refills.

596 (3) The transfer is communicated orally by telephone or via facsimile directly by a pharmacist
597 to another pharmacist, **;** by a pharmacist to a pharmacist-intern, **;** or by a pharmacist-intern to
598 another pharmacist.

599 (4) Both the original and the transferred prescription drug orders are maintained for a period of
600 two years from the date of last refill.

601 (5) The individual transferring the prescription drug order information shall ~~ensure the~~
602 ~~following occurs~~:

603 (A) write the word "void" on the face of the invalidated prescription or the prescription is
604 voided in the data processing system;

605 (B) record the name, address, ~~and~~ if for a controlled substance, the DEA registration number
606 of the pharmacy to which it was transferred, and the name of the receiving individual on the
607 reverse of the invalidated prescription or stored with the invalidated prescription drug order in
608 the data processing system;

609 (C) record the date of the transfer and the name of the individual transferring the information;
610 and

611 (D) if the prescription is transferred electronically, provide the following information:

612 (i) date of original dispensing and prescription number;

613 (ii) number of refills remaining and if a controlled substance, the date(s) and location(s) of
614 previous refills;

615 (iii) name, address, and if a controlled substance, the DEA registration number of the
616 transferring pharmacy;

617 (iv) name of the individual transferring the prescription; and

618 (v) if a controlled substance, ~~the~~ name, address, ~~and~~ DEA registration number, and
619 prescription number from the pharmacy that originally dispensed the prescription, if different.

620 (6) The individual receiving the transferred prescription drug order information shall:

621 (A) write the word "transfer" on the face of the prescription or **indicate in** the prescription
622 record ~~that~~~~indicates~~ the prescription was a transfer; and

623 (B) reduce to writing all of the information required to be on a prescription as specified in
624 subsection (b)(7) of this section (relating to Prescriptions), and ~~including~~ the following
625 ~~information~~;

626 (i) date of issuance and prescription number;

627 (ii) original number of refills authorized on the original prescription drug order;

628 (iii) date of original dispensing;

629 (iv) number of valid refills remaining, and if a controlled substance, ~~the~~ date(s) and
630 location(s) of previous refills;

631 (v) name, address, and if for a controlled substance, the DEA registration number of the
632 transferring pharmacy;

633 (vi) name of the individual transferring the prescription; and

634 (vii) name, address, and if for a controlled substance, the DEA registration number, of the
635 pharmacy that originally dispensed the prescription, if different; or

636 (C) if the prescription is transferred electronically, create an electronic record for the
637 prescription that includes the receiving pharmacist's name and all of the information transferred
638 with the prescription including all of the information required to be on a prescription as specified
639 in subsection (b)(7) of this section (relating to Prescriptions), and the following:

640 (i) date of original dispensing;

641 (ii) number of refills remaining and if a controlled substance, the prescription number(s),
642 date(s) and location(s) of previous refills;

643 (iii) name, address, and if for a controlled substance, the DEA registration number;

644 (iv) name of the individual transferring the prescription; and

645 (v) name, address, and if for a controlled substance, the DEA registration number, of the
646 pharmacy that originally filled the prescription.

647 (7) Both the individual transferring the prescription and the individual receiving the prescription
648 must engage in confirmation of the prescription information by such means as:

649 (A) the transferring individual faxes the hard copy prescription to the receiving individual; or

650 (B) the receiving individual repeats the verbal information from the transferring individual and
651 the transferring individual verbally confirms that the repeated information is correct.

652 (8) Pharmacies transferring prescriptions electronically shall comply with the following:

653 (A) Prescription drug orders may not be transferred by non-electronic means during periods
654 of downtime except on consultation with and authorization by a prescribing practitioner;
655 provided, however, **that** during downtime, a hard copy of a prescription drug order may be
656 made available for informational purposes only, to the patient or a pharmacist, and the
657 prescription may be read to a pharmacist by telephone;[-]

658 (B) The original prescription drug order shall be invalidated in the data processing system for
659 purposes of filling or refilling, but shall be maintained in the data processing system for refill
660 history purposes[-];

661 (C) If the data processing system does not have the capacity to store all the information as
662 specified in paragraphs (5) and (6) of this subsection, the pharmacist is required to record this
663 information on the original or transferred prescription drug order;[-]

664 (D) The data processing system shall have a mechanism to prohibit the transfer or refilling of
665 controlled substance prescription drug orders that have been previously transferred; **and**[-]

666 (E) Pharmacies electronically accessing the same prescription drug order records may
667 electronically transfer prescription information if the following requirements are met;[-]

668 (i) The original prescription is voided and the pharmacies' data processing systems **shall**
669 store all the information as specified in paragraphs (5) and (6) of this subsection;[-]

670 (ii) Pharmacies not owned by the same entity may electronically access the same
671 prescription drug order records, provided the owner, chief executive officer, or designee of each
672 pharmacy signs an agreement allowing access to such prescription drug order records; and[-]

673 (iii) An electronic transfer between pharmacies may be initiated by a pharmacist intern,
674 pharmacy technician, or pharmacy technician trainee acting under the direct supervision of a
675 pharmacist.

676 (9) An individual may not refuse to transfer original prescription information to another
677 individual who is acting on behalf of a patient and who is making a request for this information
678 as specified in this subsection. The transfer of original prescription information must be
679 completed within four business hours of the request.

680 (10) When transferring a compounded prescription, a pharmacy is required to provide all of the
681 information regarding the compounded preparation, including the formula, unless the formula is
682 patented or otherwise protected, in which case, the transferring pharmacy shall, at a minimum,
683 provide the quantity or strength of all of the active ingredients of the compounded preparation.

684 (11) The electronic transfer of multiple or bulk prescription records between two pharmacies is
685 permitted provided:

686 (A) a record of the transfer as specified in paragraph (5) of this subsection is maintained by
687 the transferring pharmacy;

688 (B) the information specified in paragraph (6) of this subsection is maintained by the receiving
689 pharmacy; and

690 (C) in the event that the patient or patient's agent is unaware of the transfer of the
691 prescription drug order record, the transferring pharmacy must notify the patient or patient's
692 agent of the transfer and must provide the patient or patient's agent with the telephone number
693 of the pharmacy receiving the multiple or bulk prescription drug order records.

694 (h) Distribution of controlled substances to another registrant. A pharmacy may distribute
695 controlled substances to a practitioner, another pharmacy, or other registrant, without being
696 registered to distribute, under the following conditions.

697 (1) The registrant to whom the controlled substance is to be distributed is registered under the
698 Controlled Substances Act to dispense that controlled substance.

699 (2) The total number of dosage units of controlled substances distributed by a pharmacy may
700 not exceed 5.0% of all controlled substances dispensed and distributed by the pharmacy during
701 the 12-month period in which the pharmacy is registered; if at any time it does exceed 5.0%, the
702 pharmacy is required to obtain an additional registration to distribute controlled substances.

703 (3) If the distribution is for a Schedule III, IV, or V controlled substance, a record shall be
704 maintained that indicates:

705 (A) the actual date of distribution;

706 (B) the name, strength, and quantity of controlled substances distributed;

707 (C) the name, address, and DEA registration number of the distributing pharmacy; and

708 (D) the name, address, and DEA registration number of the pharmacy, practitioner, or other
709 registrant to whom the controlled substances are distributed.

710 (4) If the distribution is for a Schedule II controlled substance, the following is applicable:~~[-]~~

711 (A) The pharmacy, practitioner, or other registrant who is receiving the controlled substances
712 shall issue Copy 1 and Copy 2 of a DEA order form (DEA 222) to the distributing pharmacy;
713 ~~and~~[-]

714 (B) The distributing pharmacy shall:

715 (i) complete the area on the DEA order form (DEA 222) titled "To Be Filled in by Supplier";

716 (ii) maintain Copy 1 of the DEA order form (DEA 222) at the pharmacy for two years; and

717 (iii) forward Copy 2 of the DEA order form (DEA 222) to the Divisional Office of the Drug
718 Enforcement Administration.

719 (i) Other records. Other records to be maintained by a pharmacy:

720 (1) a log of the initials or identification codes that ~~will~~ identify each pharmacist, pharmacy
721 technician, and pharmacy technician trainee who is involved in the dispensing process~~[-]~~ in the
722 pharmacy's data processing system (the initials or identification code shall be unique to ensure
723 that each individual can be identified, i.e., identical initials or identification codes shall not be
724 used). Such log shall be maintained at the pharmacy for at least seven years from the date of
725 the transaction;

726 (2) copy 3 of DEA order forms (DEA 222) that have been properly dated, initialed, and filed,
727 ~~and~~ all copies of each unaccepted or defective order form and any attached statements or
728 other documents, and/or for each order filled using the DEA Controlled Substance Ordering
729 System (CSOS), the original signed order and all linked records for that order;

730 (3) a copy of the power of attorney to sign DEA 222 order forms (if applicable);

731 (4) suppliers' invoices of dangerous drugs and controlled substances; a pharmacist shall verify
732 that the controlled ~~substances~~~~[drugs]~~ listed on the invoices were actually received by clearly
733 recording his/her initials and the actual date of receipt of the controlled substances;

734 (5) suppliers' credit memos for controlled substances and dangerous drugs;

735 (6) a copy of inventories required by §291.17 of this title (relating to Inventory Requirements);

736 (7) reports of surrender or destruction of controlled substances and/or dangerous drugs to an
737 appropriate state or federal agency;

738 (8) records of distribution of controlled substances and/or dangerous drugs to other
739 pharmacies, practitioners, or registrants; and

740 (9) a copy of any notification required by the Texas Pharmacy Act or the sections in this
741 chapter, including, but not limited to, the following:

742 (A) reports of theft or significant loss of controlled substances to **the** DEA and the board;

743 (B) notifications of a change in pharmacist-in-charge of a pharmacy; and

744 (C) reports of a fire or other disaster that may affect the strength, purity, or labeling of drugs,
745 medications, devices, or other materials used in the diagnosis or treatment of injury, illness, and
746 disease.

747 (j) Permission to maintain central records. Any pharmacy that uses a centralized recordkeeping
748 system for invoices and financial data shall comply with the following procedures.

749 (1) Controlled substance records. Invoices and financial data for controlled substances may be
750 maintained at a central location provided the following conditions are met:**[-]**

751 (A) Prior to the initiation of central recordkeeping, the pharmacy submits written notification by
752 registered or certified mail to the divisional director of the Drug Enforcement Administration as
753 required by Title 21, Code of Federal Regulations, §1304.04(a), and submits a copy of this
754 written notification to the **board[Texas State Board of Pharmacy]**. Unless the registrant is
755 informed by the divisional director of the Drug Enforcement Administration that permission to
756 keep central records is denied, the pharmacy may maintain central records commencing 14
757 days after receipt of notification by the divisional director:**[-]**

758 (B) The pharmacy maintains a copy of the notification required in subparagraph (A) of this
759 paragraph:**and[-]**

760 (C) The records to be maintained at the central record location shall not include executed
761 DEA order forms, prescription drug orders, or controlled substance inventories that shall be
762 maintained at the pharmacy:**[-]**

763 (2) Dangerous drug records. Invoices and financial data for dangerous drugs may be
764 maintained at a central location:**[-]**

765 (3) Access to records. If the records are kept on microfilm, computer media, or in any form
766 requiring special equipment to render the records easily readable, the pharmacy shall provide
767 access to such equipment with the records:**and[-]**

768 (4) Delivery of records. The pharmacy agrees to deliver all or any part of such records to the
769 pharmacy location within two business days of written request of a board agent or any other
770 authorized official.

771 (k) Ownership of pharmacy records. For the purposes of these sections, a pharmacy licensed
772 under the Act is the only entity that may legally own and maintain prescription drug records.

773 (l) Documentation of consultation. When a pharmacist consults a prescriber as described in this
774 section, the pharmacist shall document **such occurrences** on the hard copy or in the
775 pharmacy's data processing system associated with the prescription **[such occurrences]** and
776 shall include the following information:

777 (1) date the prescriber was consulted;

778 (2) name of the person communicating the prescriber's instructions;

779 (3) any applicable information pertaining to the consultation; and

780 (4) initials or identification code of the pharmacist performing the consultation clearly recorded
781 for the purpose of identifying the pharmacist who performed the consultation if the information is
782 recorded on the hard copy prescription.