

## Tropical Storm Nicholas Emergency Dispensing of Prescription Medications

Governor Greg Abbott has [declared a state of disaster](#) in the following counties: Aransas, Brazoria, Calhoun, Chambers, Galveston, Harris, Jackson, Jasper, Jefferson, Matagorda, Montgomery, Newton, Nueces, Orange, Refugio, San Patricio, and Victoria.

The laws and rules governing the practice of pharmacy in Texas, allow pharmacists to provide emergency refills when the prescriber cannot be reached. Specifically, in an emergency, a pharmacist may use his/her professional judgment in refilling a prescription drug order for a drug (other than a Schedule II controlled substance) provided failure to refill the prescription might result in an interruption of a therapeutic regimen or create patient suffering.

In most cases, pharmacists may not dispense more than a 72-hour supply of medication. However, in the event of a natural or manmade disaster, the Texas Pharmacy Act ([Sec. 562.054](#)) and Board rule [291.34](#) allow a pharmacist to dispense up to a 30-day supply of a prescription drug, other than a Schedule II controlled substance, without the authorization of the prescribing practitioner if:

- failure to refill the prescription might result in an interruption of a therapeutic regimen or create patient suffering;
- the natural or manmade disaster prohibits the pharmacist from being able to contact the practitioner;
- the governor has declared a state of disaster under Chapter 418, Government Code; and
- the board, through the executive director, has notified pharmacies in this state that pharmacists may dispense up to a 30-day supply of a prescription drug.

Accordingly, Timothy Tucker, Pharm.D., Executive Director/Secretary, has authorized pharmacists in Texas to dispense up to a 30-day supply of medication (other than a Schedule II controlled substance) for patients affected in the counties of the disaster area. Board rule 291.34(b)(8)(E) outlines the procedures for dispensing medication in emergency situations as follows:

### §291.34 Records

(b) Prescriptions.

...

(8) Refills.

...

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

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

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

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

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

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

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

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

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

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

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

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

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

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