

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 480

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1733, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR REQUESTING A REFILL OF AN EXISTING PRESCRIPTION DRUG ORDER BY FACSIMILE TRANSMITTAL AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-1733, Idaho Code, be, and the same is hereby amended to read as follows:

54-1733. VALIDITY OF PRESCRIPTION OR DRUG ORDERS. (1) A prescription or drug order for a legend drug is not valid unless it is issued for a legitimate medical purpose arising from a prescriber-patient relationship which includes a documented patient evaluation adequate to establish diagnoses and identify underlying conditions and/or contraindications to the treatment. Treatment, including issuing a prescription or drug order, based solely on an online questionnaire or consultation outside of an ongoing clinical relationship does not constitute a legitimate medical purpose. A prescription or drug order may be issued either:

(a) By a practitioner acting in the usual course of his profession; or

(b) By a physician, dentist, veterinarian, scientific investigator or other person, other than a pharmacist, who is licensed in a jurisdiction other than the state of Idaho and is permitted by such license to dispense, conduct research with respect to or administer the prescribed legend drugs in the course of his professional practice or research in such jurisdiction, so long as the individual is acting within the jurisdiction, scope and authority of his license when issuing the prescription or drug order.

(c) The prescription or drug order may be signed and sent electronically pursuant to chapter 50, title 28, Idaho Code.

(d) Transmission of prescription or drug order. In addition to delivery of the original signed written prescription to a licensed pharmacy:

(i) A prescription or drug order that has been signed by the practitioner may be received by a licensed pharmacy for dispensing purposes through a facsimile transmission from the prescribing practitioner or the practitioner's agent, or from a health care facility for a patient or resident in such facility;

(ii) A prescription or drug order may also be received by a licensed pharmacist verbally from the practitioner, the practitioner's agent or from a licensed practical nurse or licensed professional nurse in a health care facility for a patient or resident in such facility;

(iii) A prescription or drug order received verbally from the practitioner by a licensed practical nurse or licensed

1 professional nurse in a licensed health care facility for a  
2 patient or resident in such facility may also be sent by facsimile  
3 transmission from the health care facility to a licensed pharmacy  
4 for dispensing purposes provided the transmitted document  
5 includes the name of the prescriber issuing the prescription or  
6 drug order, the name of the nurse who transcribed the order and the  
7 name of the person who sent the facsimile.

8 (e) In the event that there are no refills remaining on an existing  
9 prescription or drug order, and the pharmacist requests a new  
10 prescription from the practitioner, the practitioner's agent, after  
11 obtaining practitioner authorization, may sign and return the request  
12 via facsimile so long as:

13 (i) The request is generated from the pharmacy;

14 (ii) The request is for medication that the patient is currently  
15 taking;

16 (iii) There are no changes to the type of drug, its strength or  
17 directions for the continuation of therapy;

18 (iv) The practitioner's agent's transmission is received via  
19 facsimile from the practitioner's office; and

20 (v) The request, which is subsequently transmitted back to the  
21 requesting pharmacy by the practitioner's agent, contains all  
22 components of a valid drug order.

23 (2) It is unlawful for a practitioner to knowingly issue an invalid  
24 prescription or drug order for a legend drug.

25 (3) It is unlawful for a pharmacist or veterinarian to knowingly fill an  
26 invalid prescription or drug order for a legend drug.