

Document: Proposed Rule

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TITLE 856 INDIANA BOARD OF PHARMACY

Proposed Rule

LSA Document #00-230

DIGEST

Amends 856 IAC 1-31-2 to clarify the meaning of "hospice" in subdivision (7), in accordance with the federal regulations. Effective 30 days after filing with the secretary of state.

856 IAC 1-31-2

SECTION 1. 856 IAC 1-31-2 , AS AMENDED AT 23 IR 2502, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-31-2 Use of a facsimile machine to electronically transmit a prescription or drug order

Authority: IC 25-26-13-4

Affected: IC 25-1-9; IC 25-26-13

Sec. 2. Prescription or drug orders for legend drugs may be transmitted by facsimile machine from an authorized prescribing practitioner to a pharmacy under the following restrictions:

(1) The original prescription or order transmitted by facsimile machine contains:

(A) all information required under IC 25-26-13-2;

(B) the name and address of the pharmacy to which the prescription or drug order is being transmitted; and

(C) the name of the person transmitting the prescription or drug order.

(2) A statement that the prescription is valid only if transmitted by facsimile machine is included on the face of the original prescription or drug order.

(3) Actual transmission is done by or under the direct supervision of the authorized prescribing practitioner or by an authorized agent.

(4) A prescription for a Schedule II controlled substance may be transmitted by the practitioner or the practitioner's authorized agent to a pharmacy via facsimile equipment, provided the original written, signed prescription is presented to the pharmacist for review prior to the actual dispensing of the controlled substance, except as noted in subdivision (5) or (6).

(5) A prescription prepared in accordance with 856 IAC 2-6-4 written for a Schedule II narcotic substance to be compounded for the direct administration to a patient in a private residence, long term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion may be transmitted by the practitioner or the practitioner's agent by facsimile. The facsimile serves as the original written prescription, and it shall be maintained in accordance with IC 25-26-13-25.

(6) A prescription prepared in accordance with 856 IAC 2-6-4 written for a Schedule II substance for a resident of a long term care facility licensed under 410 IAC 16.2-3.1 may be transmitted by the practitioner or the practitioner's authorized agent to the dispensing pharmacy by facsimile. The facsimile serves as the original written prescription for the purpose of this subdivision, and it shall be maintained in accordance with IC 25-26-13-25.

(7) A prescription prepared in accordance with 856 IAC 2-6-4 written for a Schedule II narcotic substance for a patient ~~residing~~ **enrolled** in a hospice **program, inpatient or outpatient**, certified by Medicare under Title XVIII or licensed by Indiana may be transmitted by the practitioner or the practitioner's agent to the dispensing pharmacy by facsimile. The practitioner or the practitioner's agent will note on the prescription that the patient is a hospice patient. The facsimile serves as the original written prescription for purposes of this subdivision and maintained in accordance with IC 25-26-13-25.

(8) A controlled substance prescription or drug order for a Schedule III, IV, or V controlled substance may be sent by facsimile machine and must be sent by the prescribing practitioner or an authorized agent.

(9) A facsimile machine transmitted copy of a prescription or drug order must produce a nonfading copy or be reduced to writing, either manually or via other processes, for example, photocopying, that produces a nonfading document. Proper notation on the file copy shall indicate that the prescription order was initially received via facsimile machine transmission.

(10) The receiving facsimile machine must be located in the prescription department of the pharmacy or in another nonpublic area of the pharmacy to protect patient/pharmacist/authorizing prescribing practitioner confidentiality and security as required by IC 25-26-13-15.

(11) Using facsimile equipment to circumvent documentation, authenticity, verification, or other standards of the profession of pharmacy will be considered professional incompetence under IC 25-1-9.

(Indiana Board of Pharmacy; 856 IAC 1-31-2; filed Mar 31, 1992, 5:00 p.m.: 15 IR 1390; filed Aug 17, 1995, 8:30 a.m.: 19 IR 39; filed May 26, 2000, 8:52 a.m.: 23 IR 2502)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 12, 2001 at 9:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Training Center Room 5, Indianapolis, Indiana the Indiana Board of Pharmacy will hold a public hearing on proposed rules to define "hospice" in the rules regarding the use of a facsimile machine to electronically transmit a prescription or drug order in 856 IAC 1-31-2. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Beth Anne Compton
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