

**TITLE 856 INDIANA BOARD OF PHARMACY**

LSA Document #05-140(F)

**DIGEST**

Adds 856 IAC 1-40 to implement rules based on Senate Enrolled Act 590 (P.L.204-2005) to establish definitions, standards, and requirements for electronic transmissions of prescriptions, including addressing the privacy protection for the practitioner and the practitioner's patient, the security of the electronic transmission, a process for approving electronic data intermediaries for the electronic transmission of prescriptions, use of the practitioner's United States Drug Enforcement Administration registration number, and protection of the practitioner from identity theft or fraudulent use of the practitioner's prescribing authority. Effective 30 days after filing with the Secretary of State.

**856 IAC 1-40**

SECTION 1. 856 IAC 1-40 IS ADDED TO READ AS FOLLOWS:

**Rule 40. Electronic Prescribing**

**856 IAC 1-40-1 "Board" defined**

**Authority:** IC 25-26-13-4

**Affected:** IC 25-26-13-2

**Sec. 1. "Board" has the meaning set forth in IC 25-26-13-2.** (*Indiana Board of Pharmacy; 856 IAC 1-40-1; filed Jan 23, 2006, 8:35 a.m.: 29 IR 1930*)

**856 IAC 1-40-2 "Electronically transmitted" or "electronic transmission" defined**

**Authority:** IC 25-26-13-4

**Affected:** IC 16-18-2-106.4; IC 25-26-13-2

**Sec. 2. "Electronically transmitted" or "electronic transmission" has the meaning set forth in IC 16-18-2-106.4 and IC 25-26-13-2.** (*Indiana Board of Pharmacy; 856 IAC 1-40-2; filed Jan 23, 2006, 8:35 a.m.: 29 IR 1930*)

**856 IAC 1-40-3 "Electronic data intermediary" or "EDI" defined**

**Authority:** IC 25-26-13-4

**Affected:** IC 25-26-13-2

**Sec. 3. "Electronic data intermediary" or "EDI" has the meaning set forth in IC 25-26-13-2.** (*Indiana Board of Pharmacy; 856 IAC 1-40-3; filed Jan 23, 2006, 8:35 a.m.: 29 IR 1930*)

**856 IAC 1-40-4 "Practitioner" defined**

**Authority:** IC 25-26-13-4

**Affected:** IC 25-26-13-2

**Sec. 4. "Practitioner" has the meaning set forth in IC 25-26-13-2.** (*Indiana Board of Pharmacy; 856 IAC 1-40-4; filed Jan 23, 2006, 8:35 a.m.: 29 IR 1930*)

**856 IAC 1-40-5 "Prescription" defined**

**Authority:** IC 25-26-13-4

**Affected:** IC 25-26-13-2

**Sec. 5. “Prescription” has the meaning set forth in IC 25-26-13-2.** *(Indiana Board of Pharmacy; 856 IAC 1-40-5; filed Jan 23, 2006, 8:35 a.m.: 29 IR 1930)*

**856 IAC 1-40-6 Equipment**

**Authority:** IC 25-26-13-4

**Affected:** IC 25-26-13

**Sec. 6. All electronic equipment for receipt of prescription drug orders communicated by way of electronic transmission shall be maintained so as to ensure against the following:**

- (1) Unauthorized access.**
- (2) Changes to the prescription.**

*(Indiana Pharmacy Board; 856 IAC 1-40-6; filed Jan 23, 2006, 8:35 a.m.: 29 IR 1930)*

**856 IAC 1-40-7 Electronic transmission**

**Authority:** IC 25-26-13-4

**Affected:** IC 25-26-13

**Sec. 7. Each electronic data intermediary shall ensure that the prescription electronically transmitted to the pharmacy:**

**(1) contains:**

**(A) no alterations to the:**

- (i) prescription;**
- (ii) order entry;**
- (iii) drug selection; or**
- (iv) intended drug selection;**

**by any electronic data intermediary;**

**(B) the exact information the prescription contained when originated by the authorized practitioner; and**

**(C) unique identifier for the practitioner, such as:**

- (i) a National Practitioner Identifier (NPI);**
- (ii) a Drug Enforcement Administration registration number;**
- (iii) a state issued practitioner license number; or**
- (iv) another board-approved identifier; and**

**(2) shall not interfere with the patient’s freedom to choose a pharmacy.**

*(Indiana Board of Pharmacy; 856 IAC 1-40-7; filed Jan 23, 2006, 8:35 a.m.: 29 IR 1930)*

**856 IAC 1-40-8 Electronic data intermediary requirements**

**Authority:** IC 25-26-13-4

**Affected:** IC 25-26-13

**Sec. 8. An applicant for approval as an electronic data intermediary shall do the following:**

- (1) File an application provided by the board.**
- (2) Submit information regarding how the EDI shall do the following:**
  - (A) Guarantee the security of the following:**
    - (i) The prescription.**
    - (ii) The practitioner’s identity and privacy.**
    - (iii) The patient’s identity, privacy, and confidentiality.**
  - (B) Validate the authorized practitioner’s licensure status.**
- (3) Appear before the board, if requested.**

*(Indiana Board of Pharmacy; 856 IAC 1-40-8; filed Jan 23, 2006, 8:35 a.m.: 29 IR 1931)*

**856 IAC 1-40-9 Electronic data intermediary standards**

**Authority:** IC 25-26-13-4

**Affected:** IC 25-26-13

**Sec. 9. Each electronic data intermediary shall do the following:**

- (1) Maintain policies and procedures regarding the security of the following:**

- (A) The prescription.**
- (B) The practitioner's identity and privacy.**
- (C) The patient's identity, privacy, and confidentiality.**

**(2) Validate positive identification of the practitioner.**

*(Indiana Board of Pharmacy; 856 IAC 1-40-9; filed Jan 23, 2006, 8:35 a.m.: 29 IR 1931)*

**856 IAC 1-40-10 Electronic prescription prohibitions**

**Authority: IC 25-26-13-4**

**Affected: IC 25-26-13**

**Sec. 10. An electronic prescription does not include a prescription that is as follows:**

**(1) Transmitted via:**

- (A) electronic mail, without the use of an electronic data intermediary; or**
- (B) facsimile.**

**(2) Printed from a computer or electronic device.**

*(Indiana Board of Pharmacy; 856 IAC 1-40-10; filed Jan 23, 2006, 8:35 a.m.: 29 IR 1931)*

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