

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 503

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PRESCRIPTION DRUG ORDERS; AMENDING SECTION 54-1733, IDAHO CODE,
2 TO PROVIDE FOR AN EXCEPTION, TO ESTABLISH PROVISIONS RELATING TO CIR-
3 CUMSTANCES WHERE A PRESCRIBER MAY PERFORM CERTAIN ACTIVITIES FOR A PA-
4 TIENT WITH WHOM THE PRESCRIBER DOES NOT HAVE A PRESCRIBER-PATIENT RE-
5 LATIONSHIP AND TO ESTABLISH PROVISIONS RELATING TO UNPROFESSIONAL CON-
6 DUCT.
7

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

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

11 54-1733. VALIDITY OF PRESCRIPTION DRUG ORDERS. (1) Except as pro-
12 vided in subsection (4) of this section, a prescription drug order for a
13 legend drug is not valid unless it is issued for a legitimate medical purpose
14 arising from a prescriber-patient relationship which includes a documented
15 patient evaluation adequate to establish diagnoses and identify underlying
16 conditions and/or contraindications to the treatment. Treatment, including
17 issuing a prescription drug order, based solely on an online questionnaire
18 or consultation outside of an ongoing clinical relationship does not consti-
19 tute a legitimate medical purpose. A prescription drug order may be issued
20 either:

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

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

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

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

35 (i) A prescription drug order that has been signed by the practi-
36 tioner may be received by a licensed pharmacy for dispensing pur-
37 poses through a facsimile transmission from the prescribing prac-
38 titioner or the practitioner's agent, or from an institutional fa-
39 cility for a patient or resident in such facility;

40 (ii) A prescription drug order may also be received by a licensed
41 pharmacist verbally from the practitioner, the practitioner's
42 agent or from a licensed practical nurse or licensed professional

1 nurse in an institutional facility for a patient or resident in
2 such facility;

3 (iii) A prescription drug order received verbally from the prac-
4 titioner by a licensed practical nurse or licensed professional
5 nurse in a licensed institutional facility for a patient or resi-
6 dent in such facility may also be sent by facsimile transmission
7 from the institutional facility to a licensed pharmacy for dis-
8 pensing purposes provided the transmitted document includes the
9 name of the prescriber issuing the prescription drug order, the
10 name of the nurse who transcribed the order and the name of the per-
11 son who sent the facsimile.

12 (e) In the event that there are no refills remaining on an existing pre-
13 scription drug order, and the pharmacist requests a new prescription
14 drug order from the practitioner, the practitioner's agent, after ob-
15 taining practitioner authorization, may sign and return the request via
16 facsimile so long as:

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

18 (ii) The request is for medication that the patient is currently
19 taking;

20 (iii) There are no changes to the type of drug, its strength or di-
21 rections for the continuation of therapy;

22 (iv) The practitioner's agent's transmission is received via fac-
23 simile from the practitioner's office; and

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

27 (2) It is unlawful for a practitioner to knowingly issue an invalid pre-
28 scription drug order for a legend drug.

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

31 (4) A prescriber who is otherwise authorized to perform any of the ac-
32 tivities listed in this subsection may prescribe or perform any of the fol-
33 lowing activities for a patient with whom the prescriber does not have a pre-
34 scriber-patient relationship under the following circumstances:

35 (a) Writing initial admission orders for a newly hospitalized patient;

36 (b) Writing a prescription for a patient of another prescriber for whom
37 the prescriber is taking call;

38 (c) Writing a prescription for a patient examined by a physician as-
39 stant, advanced practice registered nurse or other licensed practi-
40 tioner with whom the prescriber has a supervisory or collaborative re-
41 lationship;

42 (d) Writing a prescription for medication on a short-term basis for a
43 new patient prior to the patient's first appointment;

44 (e) In emergency situations where life or health of the patient is in
45 imminent danger;

46 (f) In emergencies that constitute an immediate threat to the public
47 health including, but not limited to, empiric treatment or prophylaxis
48 to prevent or control an infectious disease outbreak;

49 (g) If a prescriber makes a diagnosis of a sexually transmitted disease
50 in a patient, the prescriber may prescribe or dispense antibiotics to

1 the infected patient's named sexual partner or partners for treatment
2 of the sexually transmitted disease as recommended by the most current
3 centers for disease control and prevention (CDC) guidelines.

4 (5) Prescribing drugs to individuals without a prescriber-patient re-
5 lationship and not in accordance with this section shall be unprofessional
6 conduct and the prescriber shall be subject to discipline according to the
7 provisions of the Idaho Code chapter pursuant to which the prescriber is li-
8 censed, certified or registered.