

**2017 -- H 5975 SUBSTITUTE A**

LC001739/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2017**

A N A C T

RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT --  
ELECTRONIC PRESCRIPTION OF CONTROLLED SUBSTANCES

Introduced By: Representatives Ackerman, Casimiro, Marszalkowski, Edwards, and  
Donovan

Date Introduced: March 22, 2017

Referred To: House Health, Education & Welfare

(Dept. of Health)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-28-3.18 of the General Laws in Chapter 21-28 entitled "Uniform  
2 Controlled Substances Act" is hereby amended to read as follows:

3 **21-28-3.18. Prescriptions.**

4 (a) An apothecary in good faith may sell and dispense controlled substances in schedule  
5 II, III, IV, and V to any person upon a valid prescription by a practitioner licensed by law to  
6 prescribe or administer those substances, dated and signed by the person prescribing on the day  
7 when issued and bearing the full name and address of the patient to whom, or of the owner of the  
8 animal for which, the substance is dispensed and the full name, address, and registration number  
9 under the federal law of the person prescribing, if he or she is required by that law to be  
10 registered. If the prescription is for an animal, it shall state the species of the animal for which the  
11 substance is prescribed.

12 (b) When filling a hard-copy prescription for a schedule II controlled substance, the  
13 apothecary filling the prescription shall sign his or her full name and shall write the date of filling  
14 on the face of the prescription.

15 (c) The prescription shall be retained on file by the proprietor of the pharmacy in which it  
16 was filled for a period of two (2) years so as to be readily accessible for inspection by any public  
17 officer or employee engaged in the enforcement of this chapter.

18 (d) (1) Hard-copy prescriptions for controlled substances in schedule II shall be filed

1 separately and shall not be refilled.

2 (2) The director of health shall, after appropriate notice and hearing pursuant to § 42-35-  
3 3, promulgate rules and regulations for the purpose of adopting a system for electronic data  
4 transmission, ~~including by facsimile~~, of prescriptions for controlled substances in schedule II, III,  
5 IV, and V. Opioid antagonists, including, but not limited to, naloxone, as may be further  
6 determined by rules and regulations, shall be transmitted with controlled substances in schedule  
7 II, III, IV, and V. Provided, information collected regarding dispensing of opioid antagonists shall  
8 be for statistical, research or educational purposes only. The department's rules and regulations  
9 shall require the removal of patient, recipient, or prescriber information that could be used to  
10 identify individual patients or recipients of opioid antagonists.

11 (3) A practitioner ~~may~~ shall sign and transmit electronic prescriptions for controlled  
12 substances in schedules II, III, IV and V to a pharmacy in accordance with rules and regulations  
13 as shall be promulgated by the department and which shall require electronic transmission no  
14 sooner than January 1, 2020, and a pharmacy may dispense an electronically transmitted  
15 prescription for these controlled substances in accordance with the code of federal regulations, 21  
16 C.F.R., pt. 1300, et seq.

17 (e) Subject to the rules and regulations promulgated by the department pursuant to §21-  
18 28-3.18(d)(3), A a prescription for a schedule II narcotic substance to be compounded for the  
19 direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous, or  
20 intraspinal infusion may be transmitted by the practitioner, or practitioner's agent, to the  
21 pharmacy by facsimile. The facsimile will serve as the original prescription.

22 (f) Subject to the rules and regulations promulgated by the department pursuant to §21-  
23 28-3.18(d)(3), A a prescription for a schedule II substance for a resident of a long-term-care  
24 facility may be transmitted by the practitioner, or the practitioner's agent, to the dispensing  
25 pharmacy by facsimile. The facsimile serves as the original prescription.

26 (g) Subject to the rules and regulations promulgated by the department pursuant to §21-  
27 28-3.18(d)(3), A a prescription for a schedule II narcotic substance for a patient residing in a  
28 hospice certified by Medicare under title XVIII of the Social Security Act, 42 U.S.C. § 1395 et  
29 seq., or licensed by the state, may be transmitted by the practitioner, or practitioner's agent, to the  
30 dispensing pharmacy by facsimile. The practitioner, or the practitioner's agent, will note on the  
31 prescription that the patient is a hospice patient. The facsimile serves as the original, written  
32 prescription.

33 (h) An apothecary, in lieu of a written prescription, may sell and dispense controlled  
34 substances in schedules III, IV, and V to any person upon an oral prescription of a practitioner. In

1 issuing an oral prescription, the prescriber shall furnish the apothecary with the same information  
2 as is required by subsection (a) of this section and the apothecary who fills the prescription shall  
3 immediately reduce the oral prescription to writing and shall inscribe the information on the  
4 written record of the prescription made. This record shall be filed and preserved by the proprietor  
5 of the pharmacy in which it is filled in accordance with the provisions of subsection (c). In no  
6 case may a prescription for a controlled substance listed in schedules III, IV, or V be filled or  
7 refilled more than six (6) months after the date on which the prescription was issued and no  
8 prescription shall be authorized to be refilled more than five (5) times. Each refilling shall be  
9 entered on the face or back of the prescription and note the date and amount of controlled  
10 substance dispensed and the initials or identity of the dispensing apothecary.

11 (i) In the case of an emergency situation as defined in federal law, an apothecary may  
12 dispense a controlled substance listed in schedule II upon receiving an oral authorization of a  
13 prescribing practitioner provided that:

14 (1) The quantity prescribed and dispensed is limited to the amount adequate to treat the  
15 patient during the emergency period and dispensing beyond the emergency period must be  
16 pursuant to a written prescription signed by the prescribing practitioner.

17 (2) The prescription shall be immediately reduced to writing and shall contain all the  
18 information required in subsection (a).

19 (3) The prescription must be dispensed in good faith in the normal course of professional  
20 practice.

21 (4) Within seven (7) days after authorizing an emergency oral prescription, the  
22 prescribing practitioner shall cause a prescription for the emergency quantity prescribed to be  
23 delivered to the dispensing apothecary. The prescription shall have written on its face  
24 "Authorization for emergency dispensing" and the date of the oral order. The prescription, upon  
25 receipt by the apothecary, shall be attached to the oral emergency prescription that had earlier  
26 been reduced to writing.

27 (j) (1) The partial filling of a prescription for a controlled substance listed in schedule II  
28 is permissible, if the apothecary is unable to supply the full quantity called for in a prescription or  
29 emergency oral prescription and he or she makes a notation of the quantity supplied on the face of  
30 the prescription or oral emergency prescription that has been reduced to writing. The remaining  
31 portion of the prescription may be filled within seventy-two (72) hours of the first partial filling,  
32 however, if the remaining portion is not, or cannot be, filled within seventy-two (72) hours, the  
33 apothecary shall notify the prescribing practitioner. No further quantity may be supplied beyond  
34 seventy-two (72) hours without a new prescription.

1 (2) (i) A prescription for a schedule II controlled substance written for a patient in a long-  
2 term-care facility (LTCF), or for a patient with a medical diagnosis documenting a terminal  
3 illness, may be filled in partial quantities to include individual dosage units. If there is a question  
4 whether a patient may be classified as having a terminal illness, the pharmacist must contact the  
5 practitioner prior to partially filling the prescription. Both the pharmacist and the prescribing  
6 practitioner have a corresponding responsibility to assure that the controlled substance is for a  
7 terminally ill patient.

8 (ii) The pharmacist must record on the prescription whether the patient is "terminally ill"  
9 or an "LTCF patient." A prescription that is partially filled, and does not contain the notation  
10 "terminally ill" or "LTCF patient", shall be deemed to have been filled in violation of this chapter.

11 (iii) For each partial filling, the dispensing pharmacist shall record on the back of the  
12 prescription (or on another appropriate record, uniformly maintained, and readily retrievable),  
13 the:

- 14 (A) Date of the partial filling;
- 15 (B) Quantity dispensed;
- 16 (C) Remaining quantity authorized to be dispensed; and
- 17 (D) Identification of the dispensing pharmacist.

18 (iv) The total quantity of schedule II controlled substances dispensed in all partial fillings  
19 must not exceed the total quantity prescribed.

20 (v) Schedule II prescriptions for patients in a LTCF, or patients with a medical diagnosis  
21 documenting a terminal illness, are valid for a period not to exceed sixty (60) days from the issue  
22 date, unless sooner terminated by the discontinuance of medication.

23 (k) Automated, data-processing systems. As an alternative to the prescription record  
24 keeping provision of subsection (h) of this section, an automated, data-processing system may be  
25 employed for the record-keeping system if the following conditions have been met:

26 (1) The system shall have the capability of producing sight-readable documents of all  
27 original and refilled prescription information. The term "sight readable" means that an authorized  
28 agent shall be able to examine the record and read the information. During the course of an on-  
29 site inspection, the record may be read from the CRT, microfiche, microfilm, printout, or other  
30 method acceptable to the director. In the case of administrative proceedings, records must be  
31 provided in a paper printout form.

32 (2) The information shall include, but not be limited to, the prescription requirements and  
33 records of dispensing as indicated in subsection (h) of this section.

34 (3) The individual pharmacist responsible for completeness and accuracy of the entries to

1 the system must provide documentation of the fact that prescription information entered into the  
2 computer is correct. In documenting this information, the pharmacy shall have the option to  
3 either:

4 (i) Maintain a bound logbook, or separate file, in which each individual pharmacist  
5 involved in the dispensing shall sign a statement each day attesting to the fact that the prescription  
6 information entered into the computer that day has been reviewed and is correct as shown. The  
7 book or file must be maintained at the pharmacy employing that system for a period of at least  
8 two (2) years after the date of last dispensing; or

9 (ii) Provide a printout of each day's prescription information. That printout shall be  
10 verified, dated, and signed by the individual pharmacist verifying that the information indicated is  
11 correct. The printout must be maintained at least two (2) years from the date of last dispensing.

12 (4) An auxiliary, record-keeping system shall be established for the documentation of  
13 refills if the automated, data-processing system is inoperative for any reason. The auxiliary  
14 system shall ensure that all refills are authorized by the original prescription and that the  
15 maximum number of refills is not exceeded. When this automated, data-processing system is  
16 restored to operation, the information regarding prescriptions filled and refilled during the  
17 inoperative period shall be entered into the automated, data-processing system within ninety-six  
18 (96) hours.

19 (5) Any pharmacy using an automated, data-processing system must comply with all  
20 applicable state and federal laws and regulations.

21 (6) A pharmacy shall make arrangements with the supplier of data-processing services or  
22 materials to ensure that the pharmacy continues to have adequate and complete prescription and  
23 dispensing records if the relationship with the supplier terminates for any reason. A pharmacy  
24 shall ensure continuity in the maintenance of records.

25 (7) The automated, data-processing system shall contain adequate safeguards for security  
26 of the records to maintain the confidentiality and accuracy of the prescription information.  
27 Safeguards against unauthorized changes in data after the information has been entered and  
28 verified by the registered pharmacist shall be provided by the system.

29 (l) Prescriptions for controlled substances as found in schedule II will become void unless  
30 dispensed within ninety (90) days of the original date of the prescription and in no event shall  
31 more than a thirty-day (30) supply be dispensed at any one time.

32 (1) In prescribing controlled substances in schedule II, practitioners may write up to three  
33 (3) separate prescriptions, each for up to a one-month supply, each signed and dated on the date  
34 written. For those prescriptions for the second and/or third month, the practitioner must write the

1 earliest date each of those subsequent prescription may be filled, with directions to the pharmacist  
2 to fill no earlier than the date specified on the face of the prescription.

3 (m) The prescriptions in schedules III, IV, and V will become void unless dispensed  
4 within one hundred eighty (180) days of the original date of the prescription. For purposes of this  
5 section, a "dosage unit" shall be defined as a single capsule, tablet, or suppository, or not more  
6 than one five (5) ml. of an oral liquid.

7 (1) Prescriptions in Schedule III cannot be written for more than one hundred (100)  
8 dosage units and not more than one hundred (100) dosage units may be dispensed at one time.

9 (2) Prescriptions in Schedule IV and V may be written for up to a ninety-day (90) supply  
10 based on directions. No more than three hundred and sixty (360) dosage units may be dispensed  
11 at one time.

12 (n) A pharmacy shall transmit prescription information to the prescription-monitoring  
13 database at the department of health within one business day following the dispensing of an  
14 opioid prescription.

15 (o) The pharmacist shall inform patients verbally or in writing about the proper disposal  
16 of expired, unused, or unwanted medications, including the location of local disposal sites as  
17 listed on the department of health website.

18 (p) The pharmacist shall inform patients verbally or in writing in the proper use of any  
19 devices necessary for the administration of controlled substances.

20 SECTION 2. This act shall take effect upon passage.

=====  
LC001739/SUB A  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT --  
ELECTRONIC PRESCRIPTION OF CONTROLLED SUBSTANCES

\*\*\*

1           This act would expand the type of pharmaceuticals which may be prescribed using  
2 electronic prescriptions. This act would also provide for protection of patient privacy in regard to  
3 electronic prescriptions.

4           This act would take effect upon passage.

=====  
LC001739/SUB A  
=====