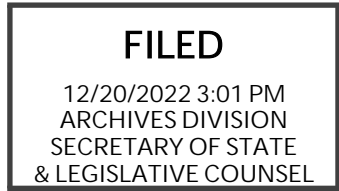




## PERMANENT ADMINISTRATIVE ORDER

**BP 55-2022**  
CHAPTER 855  
BOARD OF PHARMACY



FILING CAPTION: Duties of a Pharmacist receiving a prescription; Telemedicine; 2022 HB 4034

EFFECTIVE DATE: 12/21/2022

AGENCY APPROVED DATE: 12/15/2022

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AMEND: 855-019-0210

REPEAL: Temporary 855-019-0210 from BP 39-2022

NOTICE FILED DATE: 10/24/2022

RULE SUMMARY: Amends rule to remove conflict between Board of Pharmacy regulations and revised telemedicine statutes in 2022 HB 4034. Amendments include removing "not result solely from a questionnaire or an internet-based relationship" and adding "issued pursuant to a valid patient-practitioner relationship" in OAR 855-019-0210(2)(a).

CHANGES TO RULE:

855-019-0210

Duties of the Pharmacist Receiving a Prescription ¶

(1) A pharmacist must ensure that all prescriptions, prescription refills, and drug orders are correctly dispensed or prepared for administration in accordance with the prescribing practitioner's authorization.¶

(2) A pharmacist receiving a prescription is responsible for:¶

(a) Using professional judgment in dispensing only pursuant to a valid prescription. A pharmacist shall ~~not~~ must not dispense a prescription if the pharmacist, in their professional judgment, believes that the prescription was issued without a valid patient-practitioner relationship. In this rule, the term practitioner ~~shall~~ includes a clinical associate of the practitioner or any other practitioner acting in the practitioner's absence. The prescription must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of their professional practice and ~~not result solely from a questionnaire or an internet-based~~ issued pursuant to a valid patient-practitioner relationship; and¶

(b) Ensuring that the prescription contains all the information specified in Division 41 of this chapter of rules including the legible name and contact phone number of the prescribing practitioner for verification purposes.¶

(3) A pharmacist may refuse to dispense a prescription to any person who lacks proper identification.¶

(4) Oral Prescription: Upon receipt of an oral prescription, the pharmacist shall ~~not~~ must promptly reduce the oral prescription to writing or create a permanent electronic record by recording:¶

(a) The date when the oral prescription was received;¶

(b) The name of the patient for whom, or the owner of the animal for which, the drug is to be dispensed;¶

(c) The full name and, in the case of controlled substances, the address and the DEA registration number, of the practitioner, or other number as authorized under rules adopted by reference under Division 80 of this chapter of rules;¶

(d) If the oral prescription is for an animal, the species of the animal for which the drug is prescribed;¶

- (e) The name, strength, dosage form of the substance, quantity prescribed;¶
- (f) The direction for use;¶
- (g) The total number of refills authorized by the prescribing practitioner;¶
- (h) The written signature or initials or electronic identifier of the receiving pPharmacist or iIntern and the identity of the person transmitting the prescription;¶
- (i) The written or electronic record of the oral prescription must be retained on file as required by Division 41 of this chapter of rules, and in the case of controlled substances, under rules adopted by reference in Division 80 of this chapter of rules.¶
- (5) Facsimile Prescription: Upon receipt of a facsimile prescription, the pPharmacist must be confident that the prescription was sent by an authorized practitioner or practitioner's agent, and they must verify that:¶
  - (a) The facsimile contains all the information specified in dDivision 41 and dDivision 80 of this chapter of rules; and¶
  - (b) The facsimile prescription is not for a Schedule II controlled substance unless so permitted under federal regulations or dDivision 80 of this chapter of rules; and¶
  - (c) If the facsimile prescription is for a controlled substance, the prescription contains an original, manually-signed signature of the prescriber. In this rule, manually-signed specifically excludes a signature stamp or any form of digital signature unless permitted under federal regulations.¶
- (6) Electronic Prescription: Before filling a prescription that has been received electronically, the pPharmacist must be confident ensure that:¶
  - (a) The prescription was originated by an authorized practitioner or practitioner's agent;¶
  - (b) The prescription contains all the information specified in Division 41 of this chapter of rules.¶
  - (c) The prescription is not for a controlled substance unless permitted by federal regulations.¶
- (7) The pPharmacist must ensure that a written prescription that is hand-carried or mailed into the pharmacy contains an original manually-signed signature of the prescribing practitioner or practitioner's agent.¶
- (8) Computer Transfer of Prescription Information between Pharmacies: A pPharmacist that transmits or receives prescription information to or from another pharmacy electronically must ensure as appropriate:¶
  - (a) The accurate transfer of prescription information between pharmacies;¶
  - (b) The creation of an original prescription or image of an original prescription containing all the information constituting the prescription and its relevant refill history in a manner that ensures accuracy and accountability and that the pPharmacist will use in verifying the prescription;¶
  - (c) The prescription is invalidated at the sending pharmacy; and¶
  - (d) Compliance with all relevant state and federal laws and rules regarding the transfer of controlled substance prescriptions.

Statutory/Other Authority: ORS 689.205

Statutes/Other Implemented: ORS 689.151, ORS 689.155, ORS 689.508, 2022 HB 4034