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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

BP 3-2018
CHAPTER 855
BOARD OF PHARMACY

FILED
07/16/2018 10:45 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Auto Refill corrected rule

EFFECTIVE DATE: 07/17/2018 THROUGH 01/11/2019

AGENCY APPROVED DATE: 07/10/2018

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Filed By:
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NEED FOR THE RULE(S):

Needed to correct a 2017 rule filing error. Language that should have been deleted June 2017 was retained in error.

JUSTIFICATION OF TEMPORARY FILING:

Due to the nature of this rule and the filing error, it was critical to correct the rule language to reflect the June 2017 Board vote on this topic. Stakeholders identified this error and asked for clarification. By taking this action now, the Board's accurate reflection of their vote is documented and stakeholders are informed.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

OAR 855-041-1120 filed 6/30/17.

AMEND: 855-041-1120

RULE TITLE: Prescription Refills

RULE SUMMARY: Correction to rule filing of June 2017 to correctly reflect the Board's adopted rule.

RULE TEXT:

- (1) Where refill authority is given other than by the original prescription, documentation that such refill authorization was given, the date of authorization, and name of the authorizing prescriber or the prescriber's agent must be recorded. This documentation must be readily retrievable. Prescriptions for controlled substances in Schedules III and IV are limited to five refills or six months from date of issue, whichever comes first.
- (2) If the practitioner is not available and in the professional judgment of the pharmacist an emergency need for the refill of a prescription drug has been demonstrated, the pharmacist may dispense a sufficient quantity of the drug consistent with the dosage regimen, provided it is not a controlled substance, to last until a practitioner can be contacted for authorization, but not to exceed a 72-hour supply. The practitioner shall be promptly notified of the emergency refill.
- (3) Each refilling of a prescription must be accurately documented, readily retrievable, and uniformly maintained for three years. This record must include;

- (a) The identity of the responsible pharmacist;
 - (b) Name of the patient;
 - (c) Name of the medication;
 - (d) Date of refill; and
 - (e) Quantity dispensed.
- (4) Refill quantities may be combined into a single filling if the prescription is not for a controlled substance or psychotherapeutic drug and the prescriber is notified of the change.
- (5) A retail pharmacy may only dispense a prescription refill upon request of the patient or patient's agent. A request specific to each prescription medication is required, unless the requested fill or refill is part of an auto-refill program and is a continuation of therapy.
- (6) Auto-Refill Programs. A mail order or retail pharmacy, excluding cycle-fill for long term care, may use a program that automatically refills non-controlled prescription medications, that have existing refills available and are consistent with the patient's current medication therapy only when the following conditions are met:
- (a) A patient or patient's agent must enroll each prescription medication in an auto-refill program before a pharmacy can include the prescription medication as part of the auto-refill program; and
 - (b) The prescription is not a controlled substance; and
 - (c) The pharmacy must discontinue auto-refill program enrollment when requested by the patient or patient's agent; and
 - (d) Pick-up notification to a patient or patient's agent may be generated upon completion of a prescription refill; and
 - (e) When an auto-refill prescription is returned to stock or when delivery is refused that prescription medication is removed from the auto-refill program for that patient.

STATUTORY/OTHER AUTHORITY: ORS 689.205

STATUTES/OTHER IMPLEMENTED: ORS 689.505, ORS 689.515