

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : PHARMACY EXAMINING BOARD
PHARMACY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 00-165)

ORDER

An order of the Pharmacy Examining Board to repeal Phar 7.05 (3) (b) 4.; to amend Phar 7.05 (3) (a) (intro.) and (c), (5) and (6) (intro.); and to create Phar 7.05 (3) (b) 8., relating to transfer of prescription orders.

Analysis prepared by the Department of Regulation and Licensing

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 450.02 (3) (a), (b), (d) and (e), Stats.

Statutes interpreted: s. 450.02 (3) (a), (b), (d) and (e), Stats.

Under s. Phar 7.05 (3) and (4), a prescription order may be transferred between pharmacies only one time. The Pharmacy Examining Board amends its rules to permit an unlimited number of transfers between pharmacies. For example, a consumer may have a prescription order for medication with five refills that is originally presented and filled at a Milwaukee pharmacy. If the consumer goes on vacation in Door County and finds he or she requires a refill while there, the consumer can have the prescription order “transferred” to a Door County pharmacy for dispensing a refill. However, under the current one-time transfer rule, when the consumer returns to Milwaukee he or she will need a new prescription order for the medication, because the prescription cannot be transferred back to the original pharmacy even though there are refills remaining. The board believes the rule should be modified to rectify these types of situations.

Former s. Phar 7.05 (3) (b) 4., which requires the pharmacist receiving the transferred prescription order to record the date that the prescription was originally dispensed, is repealed because it was determined to be unnecessary.

The current reference to the transfer of an original prescription order is removed and modifies the one-time transfer limitation to permit unlimited transfer with the restriction that the transfer of original prescription order information for the purpose of renewal dispensing of controlled substances is only permitted between two pharmacies on a one-time basis. The controlled substance one-time transfer restriction does not apply where pharmacies have access to a common central processing unit, and approval is received from the Pharmacy Examining Board.

TEXT OF RULE

SECTION 1. Phar 7.05 (3) (a) (intro.) is amended to read:

Phar 7.05 (3) (a) (intro.) Except as provided in sub. (5), the transfer of ~~original~~ prescription order information for the purpose of ~~renewal~~ dispensing is permissible between 2 pharmacies on a ~~one-time~~ an unlimited basis pursuant to the following requirements:

SECTION 2. Phar 7.05 (3) (b) 4. is repealed.

SECTION 3. Phar 7.05 (3) (b) 6. is amended to read:

Phar 7.05 (3) (b) 6. The pharmacy's name, address, and the ~~original~~ prescription order number from which the prescription order information was transferred.

SECTION 4. Phar 7.05 (3) (b) 8. is created to read:

Phar 7.05 (3) (b) 8. The name, address and telephone number of the pharmacy from which the original prescription order was transferred if different from subd. 6.

SECTION 5. Phar 7.05 (3) (c), (5) and (6) (intro.) are amended to read:

Phar 7.05 (3) (c) The original and transferred prescription ~~order~~ orders shall be maintained for a period of 5 years from the date of the last renewal.

(5) ~~Pharmacies~~ The transfer of original prescription order information for the purpose of renewal dispensing of a controlled substance is permissible between 2 pharmacies only on a one-time basis. However, pharmacies having access to a common central processing unit are not limited in the transfer of original prescription order information pertaining to controlled substances for the purpose of renewal dispensing if prior written approval is received from the board.

(6) (intro.) A computerized system may be used for maintaining a record, as required under this section, of prescription dispensing and transfers of ~~original~~ prescription order information for the purposes of renewal dispensing, if the system:

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Chairperson
Pharmacy Examining Board