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# OKLAHOMA STATE BOARD OF PHARMACY

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*newsletter to promote pharmacy and drug law compliance*

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## **21.53 New Rules From the Board That Apply to Schedule II Prescriptions**

### **Part 1 – Issuance of Multiple Prescriptions**

A single prescription for a Schedule II drug does not have a limit on quantity or days supply. Doctors can now issue multiple prescriptions on the same day to a patient provided that the prescriptions do not exceed a total of up to a 90-day supply for a Schedule II controlled dangerous substance (CDS). A prescription for a Schedule II CDS becomes invalid 30 days after the earliest date on which a pharmacy may fill the prescription, with day one being the first day after the earliest date on which a pharmacy may fill the prescription. For example, if a doctor writes on the

prescription “Do Not Fill Until,” then the first day of the 30-day period would be the first day after the “do not fill until” date.

Some computer software will need changes or modifications made to accommodate the issuance of multiple Schedule II prescriptions in regard to the date of issuance and the “do not fill until” date.

This rule change does not affect the law for issuing two prescriptions on the same day for acute pain for seven days each for patients who have a major surgical procedure or are “confined to home” status as defined in 42 United States Code (USC) §1395n(a). This law can be viewed in Title 63 Oklahoma Statutes, Chapter 2, Section 2-309I(B)(5) and in Oklahoma Administrative Code (OAC) Section 475:30-1-4(C)(2).

## ***Part 2 – Partial Filling of Schedule II Prescriptions***

A pharmacy can now partially fill a Schedule II CDS prescription for a patient for up to 30 days after the earliest date on which a pharmacy may fill the prescription. This would not include emergency oral prescriptions, which would have to be filled no later than 72 hours after the earliest date on which a pharmacy may fill the prescription.

This does not affect partial filling of Schedule II CDS prescriptions for long-term care facility patients or patients with a medical diagnosis documenting a terminal illness, which can be partially filled for up to 60 days from the issue date unless sooner terminated by discontinuance of the prescription.

Please keep in mind that if you partially fill a Schedule II prescription because the pharmacy does not have enough medication in stock, then you must fill the remainder within 72 hours of the first partial filling.

This is due to the fact that Drug Enforcement Administration (DEA) Title 21 Code of Federal Regulations §1306.13(a) requires this situation to be handled this way currently. The Oklahoma State Board of Pharmacy anticipates that this will be changed to 30 days to fill the remainder.

DEA 21 USC §829(f)(1)(C) allows a pharmacy to partially fill a Schedule II prescription for up to 30 days if the initial partial fill is requested by the patient or the practitioner who issued the prescription.

## ***21.54 COVID-19 Waivers***

As of July 1, 2021, all coronavirus disease 2019 (COVID-19) waivers were canceled. If there is still a need for a COVID-19 waiver, you must reapply.

## ***21.55 FAQs***

The Board has removed all frequently asked questions (FAQs) from its website. The reason for this is that a vast majority of them are out of date and no longer correct. You can still find some

of the FAQs using a Google search, but do not rely on them to be accurate. If you have a question, please contact the Board via email or phone, or contact your compliance officer.

## **21.56 Immunizations**

An emergency law – Title 59, Chapter 8, Section 353.30(C) (cited below) – was passed on April 22, 2021, which allows pharmacists to administer immunizations that have been approved or authorized by Food and Drug Administration without a patient-specific prescription, standing order, or similar arrangement.

A pharmacist who has completed a requisite course of training as approved by the Board in consultation with the State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners may administer therapeutic injections on orders from a licensed prescriber, and may administer immunizations that have been approved or authorized by the Food and Drug Administration without a patient-specific prescription, standing order or similar arrangement.

The pharmacy will still need a patient-specific prescription, standing order, or similar agreement with a physician to administer any emergency medications in case of an allergic reaction.

### ***OAC Section 535:10-11-4. Immunization Registration***

“Prior to administering immunizations, each D.Ph. shall obtain an immunization permit with the Board” and be currently certified in CPR. The pharmacist shall obtain an immunization permit by completing an application furnished by the Board and paying the \$25 fee. “The immunization permit must be displayed in the pharmacy where the D.Ph. is performing immunizations.” If you cannot locate your immunization certificate, you can apply for a duplicate and pay the fee via the Board’s online store.

The following is a list of approved immunization training programs for pharmacists: the Southwestern Oklahoma State University College of Pharmacy, the University of Oklahoma College of Pharmacy, immunization programs accredited by the Accreditation Council for Pharmacy Education, and immunization programs offered by the American Pharmacists Association, the National Community Pharmacists Association, and the American Society of Health-System Pharmacists.

Each DPh must have successfully completed one of these immunization training courses prior to registering with the Board or administering immunizations prescribed by an Oklahoma-licensed prescribing practitioner.

Upon inspection, the Board will be looking for and verifying the actual immunization permit, not the certificate from the approved training program.

Floater pharmacists who work at various locations should have a copy of their immunization permit and current CPR certification readily available.

## **21.57 Prescriptions Received by Other Than Written Communication Prescription Label – Language**

### ***Title 59, Section 353.20.1: Recording of prescriptions - Prescription label requirements***

Recently, the Board has received a few complaints and run across some compounded products that contain initials or abbreviations, eg, ABH cream, Magic Mouthwash #1, or nausea cream. It is a good practice to include all ingredients, not abbreviations, on the prescription labeling for compounds that go to long-term care, nursing facilities, and directly to patients. Unless it is a trade name or generic name, the same “abbreviations” may not mean or contain the same products at other pharmacies. The following statute describes what should be on a filled prescription.

B. A filled prescription label shall include the name and address of the pharmacy of origin, date of filling, name of patient, name of prescriber, directions for administration, and prescription number. The symptom or purpose for which the drug is prescribed may appear on the label if provided by the practitioner and requested by the patient or the patient’s authorized representative. If the symptom or purpose for which a drug is prescribed is not provided by the practitioner, the pharmacist may fill the prescription without contacting the practitioner, patient, or patient’s representative. Filled prescriptions issued for veterinarian drugs shall be labeled according to rules promulgated by the Oklahoma State Board of Veterinary Medical Examiners. The label shall also include the trade or generic name, prescribed quantity, and prescription strength of the drug therein contained, except when otherwise directed by the prescriber. This requirement shall not apply to prescriptions or medicines and drugs supplied or delivered directly to patients for consumption on the premises of any hospital or mental institution. This requirement shall not apply to dialysate sold, dispensed or delivered in their original, sealed packaging upon receipt of a prescriber’s order.

## **21.58 Oklahoma Board of Nursing Rule for Nurse Practitioners**

- Insurance companies are using a different method to audit and take back money from pharmacies for prescriptions that are prescribed by nurse practitioners (NPs) and physician assistants (PAs). They are taking back money if the name of the supervising physician is not on the prescription.
- The Oklahoma Board of Nursing has a rule that requires the name of the supervising physician to be on the prescription from NPs.
- The Oklahoma Board of Nursing rule for NPs is in OAC Title 485, Chapter 10, Subchapter 16, Section 485:10-16-8.

## 21.59 Oklahoma Board of Medical Licensure and Supervision Rule for Physician Assistants

- The Oklahoma Board of Medical Licensure and Supervision has a rule that requires the name of the supervising physician to be on the prescription from PAs.
- The Oklahoma Board of Medical Licensure and Supervision rule for PAs is in OAC Title 435, Chapter 15, Subchapter 11, Section 435:15-11-1.

## 21.60 Disciplinary Actions

July 28, 2021

**Katherine Sisney Dossey, DPh #10322 – Case No. 1613:** Guilty on two counts, including billing or charging for quantities greater than delivered, or for a brand when a generic is dispensed. **Revoked.**

**Ashley Tilschner, Technician #16970 – Case No. 1617:** Guilty on three counts, including working while impaired. **Revoked.**

**(Impaired Intern) Holly Johnson, Intern #10155 – Case No. 1621:** Respondent may not reapply for a pharmacy intern license until they have entered into a contract with Oklahoma Pharmacists Helping Pharmacists (OPHP) and have been determined “fit for duty.” Respondent admits guilt on four counts, including violating a voluntary or Board-ordered rehabilitation program for the impaired. **Revoked.**

**Emily Morris, Technician #18524 – Case No. 1622:** Guilty on five counts, including theft of CDS. **Revoked.**

## Calendar Notes

- **Upcoming Holidays:** The Board office will be closed on November 11, 2021, for Veterans Day; November 25-26, 2021, for Thanksgiving; and December 23-24, 2021, for Christmas.
- **Upcoming Board Meeting:** The Board is scheduled to meet on November 3, 2021. All meetings begin at 8:30 AM.

## Change of Address or Employment?

**Please be diligent in keeping your information up to date and, if possible, remind your coworkers and employees. Failure to notify the Board is a violation of Oklahoma pharmacy law. All pharmacists, technicians, and interns** must notify the Board in writing within 10 days of a change of address or employment. Online updates through the license renewal page are **not** accepted as official notification. Emailed notifications can be sent to [pharmacy@pharmacy.ok.gov](mailto:pharmacy@pharmacy.ok.gov) or faxed to 405/521-3758. License/permit numbers must be included to be accepted.

## Special Notice About the Newsletter

The *Oklahoma State Board of Pharmacy Newsletter* is an official method of notification to pharmacies, pharmacists, pharmacy interns, and pharmacy technicians registered by the Board. Please read them carefully. The Board encourages you to keep them for future reference.

### OPHP

If you or a pharmacist you care about is suffering from chemical dependency, there is a solution. OPHP is readily available for help. Pharmacists in Oklahoma, Texas, and Louisiana may call the OPHP help-line at 1-800/260-7574, ext 5773. All calls are confidential.

*This publication is issued by the Oklahoma State Board of Pharmacy as authorized by Title 59 O.S. 353.7. Copies have not been printed but are available through the agency website. [74 O.S. §3105 and 65 O.S. §3-114]*

### **National Pharmacy Compliance News Now Available!**

Visit NABP's website for the latest regulatory updates and news from FDA, USP, NABP, and more.

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