



# OKLAHOMA STATE BOARD OF PHARMACY

*newsletter to promote pharmacy and drug law compliance*

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## **22.67 Relocation of the Pharmacy Board**

The Oklahoma State Board of Pharmacy will be moving temporarily to a new location while its current building is renovated. Effective March 1, 2022, the new address is 3812 N Santa Fe, Ste 300, Oklahoma City, OK 73118. All other contact information is the same.

### ***National Pharmacy Compliance News***

A Service of the National Association of Boards of Pharmacy Foundation (NABPF)

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

***[Read National News](#)***

## 22.68 Transferring of Prescriptions

Pursuant to [Oklahoma Statutes, Section 354](#), no pharmacy or pharmacist should refuse to transfer a prescription when another pharmacy calls to get a transfer. If the original pharmacy wants to reach out to the patient, they should do so after the transfer is completed so as not to cause a potential delay in therapy for the patient. If the original pharmacy is concerned about whether or not the patient initiated the request, it would be acceptable for the pharmacist to ask the person calling for the transfer if they are transferring the prescription at the patient's request, but they should not deny the transfer.

## 22.69 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.** (emphasis added)

However, this bill **does not** allow the pharmacist to administer epinephrine or any other prescription drug for an anaphylactic reaction. A pharmacy would still need some sort of protocol in collaboration with a physician in order to administer medications for an anaphylactic reaction.

### **Schedule II Medications**

Physician assistants and nurse practitioners are still **not** allowed to write an outpatient prescription for any Schedule II medication. There has been some recent confusion surrounding this topic, but currently, physician assistants and nurse practitioners are unable to write for outpatient Schedule II medications.

## 22.70 Prescription Fill, Refill, and Partial Fill Records and Reports

Pharmacists, please remember that it is your responsibility to ensure that you are documenting the fact that you have verified the accuracy of the prescription refill information for controlled dangerous substances (CDS) at the end of every shift that you work. This is most commonly done via a daily logbook or a nightly report. The Board is seeing instances of pharmacists neglecting to do this more frequently, and it is especially an issue for pharmacists who float to different stores within a chain. The below rule addresses this requirement:

Per **535:15-3-21(d)(1)(C)**: “These nightly reports shall be verified, signed and dated by the pharmacist as required. (See CFR 1306.22 (b)(3), et seq.)”

And, continuing in **CFR 1306.22 (f)(3)**:

In lieu of such a printout, the pharmacy shall maintain a bound log book, or separate file, in which each individual pharmacist involved in such dispensing shall sign a statement (in the manner previously described) each day, attesting to the fact that the refill information entered into the computer that day has been reviewed by him and is correct as shown.

## ***22.71 Compounded Controlled Prescriptions and Compounded Controlled Infusion Prescriptions***

Compounded controlled prescriptions or compounded controlled infusion prescriptions may be sent by electronic prescription or written on the Oklahoma Bureau of Narcotics and Dangerous Drugs Control prescription pad but are not required to be, per House Bill 2676.

A Schedule III-V compounded controlled prescription can be written, called in, or faxed from the prescriber’s office. A Schedule II compounded controlled prescription can be written on any legal prescription pad.

### ***Quantity or Days Supply on Schedule II Prescriptions***

A single prescription for a Schedule II drug does not have a limit on quantity or days supply. While there are no limits, the Board still encourages pharmacists to use professional judgment when filling these prescriptions.

### ***Interchangeable Biological Products (Definitions, Regulations, Notice, and Penalties)***

There was a new law that went into effect on November 1, 2021, that addresses the substitution of biological products (biosimilars). **Title 59, Chapter 8, Section 355.4 is cited below:**

- A. For the purposes of this section:
  1. “Biological product” has the same meaning given to that term in 42 U.S.C., Section 262; and
  2. “Interchangeable biological product” means a biological product that the U.S. Food and Drug Administration (FDA):
    - a. has licensed, and determined to meet the standards for interchangeability pursuant to 42 U.S.C., Section 262(k)(4), or
    - b. has determined is therapeutically equivalent as set forth in the latest edition of or supplement to the United States Food and Drug Administration’s (FDA) Approved Drug Products with Therapeutic Equivalence Evaluations.
- B. A pharmacist may substitute an interchangeable biological product for a prescribed biological product if:

1. The substituted product has been determined by FDA to be interchangeable, as defined in subsection A of this section, with the prescribed biological product;
  2. The prescribing health care provider does not express a preference against substitution in writing, verbally or electronically; and
  3. The pharmacy informs the patient of the substitution.
- C. The dispensing pharmacist or the pharmacist's designee shall make an entry into an electronic records system of the specific product provided to the patient including the name of the product and the manufacturer. The communication shall be conveyed by making an entry through:
1. An interoperable electronic medical records system;
  2. An electronic prescribing technology;
  3. A pharmacy benefit management system; or
  4. A pharmacy record.
- D. Entry into an electronic records system as described in subsection C of this section is presumed to provide notice to the prescriber. If no electronic records system is in use by the pharmacy, the pharmacist shall communicate the biological product dispensed to the prescriber using facsimile, telephone, electronic transmission or other prevailing means, except that communication shall not be required where:
1. There is no FDA-approved interchangeable biological product for the product prescribed; or
  2. A refill prescription is not changed from the product dispensed on the prior filling of the prescription.
- E. The dispensing pharmacist or a prescriber shall not be:
1. Required to show proof that the prescriber has access to the record in any type of payment audit conducted by a payer or pharmacy benefit manager; or
  2. Subject to disciplinary action or civil penalties for failure to ensure that the record is accessible or for failure to access the record.
- F. The State Board of Pharmacy shall maintain a link on its Internet website to the current list of all biological products determined by the FDA to be interchangeable with a specific biological product.
- G. Nothing in this section shall preclude existing approved brand and generic substitutions.

## **22.72 Veterinarians and NPI Numbers**

- Veterinarians should not be denied from ordering a prescription at a pharmacy simply because they do not have a National Provider Identifier (NPI) number.

- Veterinarians are not eligible to receive NPI numbers.
- Pharmacies should not be requesting the veterinarian's Drug Enforcement Administration number for a non-CDS prescription.
- The American Veterinary Medical Association has worked with the National Council for Prescription Drug Programs to ensure that pharmacy software will accept other identifiers for veterinary prescriptions and primarily the veterinarian's state license number. The veterinarian's state license number should be available on the applicable state licensing agency's website.

## **22.73 Disciplinary Actions**

**Shelley Davidson, Technician #26939 – Case No. 1630:** Guilty on five counts, including falsifying coronavirus disease 2019 vaccination cards. **Revoked.**

**Kelly D. Duncan, DPh #12946 – Case No. 1631:** All continuing education (CE) for the years 2022 and 2023 must be live. Respondent admits guilt on all six counts, including violating prescription or drug order error; a prescription or drug order error which departs from the standards of care ordinarily exercised by a registrant with proof of actual injury not having to be established. **Fined \$3,000.**

**(Impaired DPh) Austen Patterson, DPh #14355 – Case No. 1632:** Respondent's license is indefinitely suspended. Respondent agrees to remain in compliance with the terms of her November 3, 2021, Oklahoma Pharmacists Helping Pharmacists (OPHP) 10-year contract. Respondent may request the suspension be stayed after September 3, 2022. All CE for the years 2022, 2023, 2024, and 2025 must be live. Respondent admits guilt on all seven counts, including abuse of alcohol or drugs, use of an illegal CDS, or testing positive for such substances is a violation of registrant conduct. **Fined \$3,500.**

**Billy Blalock, DPh #15758 – Case No. 1633:** All CE for the years 2022 and 2023 must be live. Respondent admits guilt on all four counts, including failure to establish and maintain effective controls to prevent prescription errors. **Fined \$3,000.**

**Laura Felder, DPh #13373 – Case No. 1634:** All CE for the years 2022 and 2023 must be live. Respondent admits guilt on all four counts, including failure to establish and maintain effective controls to prevent prescription errors. **Fined \$3,000.**

## **Calendar Notes**

- **Upcoming Holidays:** The Board office will be closed on May 30, 2022, for Memorial Day, and July 4, 2022, for Independence Day.
- **Upcoming Board Meeting:** The Board is scheduled to meet on June 22, 2022. 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]*

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