



UTAH BOARD OF PHARMACY

newsletter to promote pharmacy and drug law compliance

'Positive Identification' Rule as a Potential Barrier for Refugees

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Who is considered a refugee? A refugee is someone, “who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion” in any country of their nationality or any country they last habitually resided (8 United States Code §1101).

Utah is currently handling its largest refugee resettlement in state history with more than 900 Afghan refugees arriving in the last year, and more refugees expected as the war in Ukraine continues to displace millions.

An integral part of helping refugees resettle in Utah is ensuring access to health care. However, resettlement agencies have reported concerns that refugee patients have been unable to fill valid controlled substance (CS) prescriptions because they lack government-issued identification. The intent of the rule requiring positive identification when picking up a CS is to prevent fraud or diversion, not to limit patients’ access to valid medical treatment. Ethical scenarios such as this are why R156-37f-102.(13)(b) is included in the Utah Administrative Code (see below) to allow a pharmacist to use clinical judgment to determine if there is an alternative option to ensure that the patient has a legitimate need for the CS prescription but may not be able to produce a government-issued identification due to extenuating circumstances. The Utah Board of Pharmacy expects this to be a rare exception, but the option is available to ensure necessary access to treatment without creating additional barriers to care for new Americans or other

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patients who may not have a government-issued identification at the time of dispensing. The Board supports the pharmacist in determining whether the prescription should be dispensed in situations when positive identification cannot be obtained.

R156-37f-102. Definitions

(13) "Positive identification" means:

(a) one of the following photo identifications issued by a foreign or domestic government:

- (i) driver's license;
- (ii) non-driver identification card;
- (iii) passport;
- (iv) military identification; or
- (v) concealed weapons permit; or

(b) if the individual does not have government-issued identification, alternative evidence of the individual's identity as determined appropriate by the pharmacist, if the pharmacist documents in a prescription record a description of how the individual was positively identified.

(emphasis added)

Update Your Information for Renewal Name, Email, and Address Changes

Have you moved, changed your name, or chosen another email address? Did you know that the Utah Division of Occupational and Professional Licensing (DOPL) needs to be notified about changes to your name and mailing address within 10 business days? Failure to update your name or address with DOPL is considered unprofessional conduct.

Per Section R156-17b-502 – Unprofessional Conduct:

(4) failing to provide the Division with a current mailing address within a 10 business day period of time following any change of address; . . . (23) failing to update the Division within seven calendar days of any change in the email address designated for use in self-audits or pharmacy alerts . . .

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- Open the Licensing tab
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For name changes, you must verify the change by submitting a copy of a marriage certificate, divorce decree, court order, driver's license, or Social Security card to DOPL. If you desire a reprint of your license reflecting the name change, you must also submit a \$10 reprint fee with the request. Send the required information via email to doplweb@utah.gov or via mail to DOPL, PO Box 146741, Salt Lake City, UT 84114-6741.

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