

Pharmacy Board Report

January 2022

2/7/2022

	2020	2021	Jan-22
Administrative Filings	13	11	0
Criminal Filing/Felony	0	0	0
Letter of Concern	87	122	2
Referred to Diversion	0	0	0
PR/Outreach	2	1	0
Citations Issued	31	32	9
Cases Received	502	733	31
Case Assigned	502	715	31
Closed Cases	518	876	51
Prescription Fraud Alerts	24	62	7
Pharmacy Alerts	292	362	5
Pharmacy Inspections			
New Pharmacy Inspections	92	146	11
Random Pharmacy Inspections	193	368	12
Probation Pharmacy Inspections	6	6	0
NOTES: Pharmacy Group			

Utah Admin. Code R156-17b-303a. Qualifications for Licensure - Education Requirements[.]
Pharmacist and Pharmacy Interns.

(1) In accordance with Subsections 58-17b-303(2) and 58-17b-304(6)(b), the credentialing agency recognized to provide certification and evaluate equivalency of a foreign educated pharmacy graduate is the Foreign Pharmacy Graduate Examination Committee (FPGEC) of the National Association of Boards of Pharmacy [Foundation].

(2) In accordance with Subsection 58-17b-304(6), an applicant for a pharmacy intern license shall demonstrate that the applicant meets one of the following education criteria:

(a) current [admission] pharmacy student and active participation in coursework in a college of pharmacy accredited by the ACPE, by written verification from a dean of the college;

(b) a resident, or fellow in a program with a graduate degree from a school or college of pharmacy that is accredited by the ACPE; or

(c) a graduate degree from a foreign pharmacy school as established by a certificate of equivalency from an approved credentialing agency defined in Subsection (1).

Utah Rules

(5) Prescriptions for legend drugs having a remaining authorization for refill may be transferred by the pharmacist, pharmacy intern, or DMP at the pharmacy holding the prescription to a pharmacist, pharmacy intern or DMP at another pharmacy upon the authorization of the patient to whom the prescription was issued or electronically as authorized under Subsection R156-17b-613(9). The transferring pharmacist, pharmacy intern, or DMP and receiving pharmacist, pharmacy intern, or DMP shall act diligently to ensure that the total number of authorized refills is not exceeded. The following additional terms apply to such a transfer:

- (a) the transfer shall be communicated directly between pharmacists, pharmacy interns, or DMP or as authorized under Subsection R156-17b-613(9);
- (b) both the original and the transferred prescription drug orders shall be maintained for a period of five years from the date of the last refill;
- (c) the pharmacist, pharmacy intern, or DMP transferring the prescription drug order shall void the prescription electronically or write void/transfer on the face of the invalidated prescription manually;
- (d) the pharmacist, pharmacy intern, or DMP receiving the transferred prescription drug order shall:
 - (i) indicate on the prescription record that the prescription was transferred ~~electronically or manually~~; and
 - (ii) record on the transferred prescription drug order the following information:
 - (A) original date of issuance **and date of dispensing or receipt, if different from date of issuance;**
 - (B) original prescription number and the number of refills authorized on the original prescription drug order;
 - (C) number of valid refills remaining and the date of last refill, if applicable;
 - (D) the name and **address location** of the pharmacy and the name of the pharmacist, pharmacy intern, or DMP to whom such prescription is transferred; and
 - (E) the name of the pharmacist, pharmacy intern, or DMP transferring the prescription drug order information;
- (e) the data processing system shall have a mechanism to prohibit the transfer or refilling of legend drugs or controlled substance prescription drug orders that have been previously transferred; and
- (f) a pharmacist, pharmacy intern, or DMP may not refuse to transfer original prescription information to another pharmacist, pharmacy intern, or DMP who is acting on behalf of a patient and who is making a request for this information as specified in Subsection (12) of this section.

Oregon Rules:

855-041-2115

Transfer of Prescription Information Between Pharmacies

(1) Prescriptions may be transferred between pharmacies for the purpose of refill dispensing provided that:

(a) The prescription is invalidated at the sending pharmacy; and

(b) The receiving pharmacy obtains all the information constituting the prescription and its relevant refill history in a manner that ensures accuracy and accountability.

(2) Prescriptions for controlled substances can only be transferred one time.

(3) Pharmacies using the same electronic prescription database are not required to transfer prescriptions for dispensing purposes.

Montana

24.174.835 TRANSFER OF PRESCRIPTIONS (1) The transfer of prescription information for the purpose of dispensing is permissible between pharmacies subject to DEA regulations and the following requirements:

(a) the transfer is communicated directly between two licensed pharmacists/interns; and

(b) a retrievable audit trail, including the date of transfer and initials or code of the transferring parties, is maintained for a period of two years.

(2) The transferring pharmacy shall:

(a) render the prescription void;

(b) enter the name, address, and DEA number if required of the receiving pharmacy into the database of the transferring pharmacy;

(c) inform the receiving pharmacy of:

(i) the date on which the prescription was written;

(ii) the original number of refills;

(iii) the number of refills remaining; and

(iv) the date of the most recent refill.

(3) The receiving pharmacy shall maintain documentation including:

(a) a notation that the prescription was received by transfer;

(b) the date on which the prescription was written;

- (c) the original prescription number of the transferred prescription;
- (d) the original number of refills, number of refills remaining, and the date of the most recent refill;
- (e) the name, address, and DEA number if required of the transferring pharmacy;
- (f) all other prescription information required by state and federal laws and regulations; and
- (g) a nonfading hard copy record of each prescription drug order transferred.

Oklahoma535:15-3-12. Transfer of prescription refill information

For the purpose of refill dispensing, the transfer of original prescription drug order information is permissible between pharmacies, subject to the following requirements:

- (1) The transfer of original prescription drug order information for dangerous drugs is permissible between pharmacies:
 - (A) for up to the number of originally authorized refills remaining on Rx Only drugs that are not controlled; or
 - (B) on a one-time basis only, for original prescriptions and refills for a controlled dangerous substance (CDS) listed in Schedules III, IV or V for the purpose of refill dispensing. However, pharmacies electronically sharing a real-time, online database may transfer up to the maximum refills permitted by law and the prescriber's authorization.
 - (C) CDS prescription transfers must be communicated directly between two licensed pharmacists and cannot be done by an intern.
 - (D) Non controlled prescription transfers must be communicated directly between two licensed pharmacists and /or licensed interns.
- (2) The transfer as allowed in 535:15-3-12 (1) (C) and (D) above must be:
 - (A) communicated orally directly between two licensed pharmacists and/or licensed interns; or,
 - (B) The prescription transfer information shall be faxed from one pharmacy to another. Upon

receipt of the faxed information, a licensed pharmacist or licensed intern at the receiving pharmacy shall communicate receipt of the prescription transfer information orally directly with a licensed pharmacist or licensed intern at the originating pharmacy; and shall document the communication. The original prescription transfer faxed information shall be printed and stored for:

(i) a non-controlled drug substance prescription in the same manner as a non-controlled drug substance prescription or shall be electronically stored;

(ii) a controlled drug substance prescription in the same manner as a controlled drug substance prescription;

(3) Both the original and the transferred prescription drug order must be maintained for a period of five years from the date of last refill;

(4) The pharmacist transferring the prescription drug order information shall:

(A) Write the word "void" on the face of the invalidated prescription drug order; and

(B) Record on the reverse of the invalidated prescription drug order the following information:

(i) the name and address of the pharmacy to which such prescription drug order is transferred;

(ii) the last name and registration number of the pharmacist receiving the prescription drug order information;

(iii) the last name and registration number of the pharmacist transferring the prescription drug order information;

(iv) the date of the transfer; and

(C) as required in federal DEA rules, exchange and document the sending and receiving pharmacy DEA number on a controlled dangerous substance prescription transfer.

(5) the pharmacist receiving the transferred prescription drug order information shall:

(A) write the word "transfer" on the face of the transferred prescription drug order, see 535:15-3-12(8); and

(B) record on the transferred prescription drug order the following information:

(i) the date of the original prescription (refills are allowed only as prescribed for a oneyear maximum from original prescription date on non-scheduled, as stated in 535:15-

3-11 (b) et seq. and up to five refills for no more than six months on Schedule III-V, as stated in 475:30-1-11 (a));

(ii) the original prescription number and the number of refills authorized on the original prescription drug order;

(iii) the number of valid refills remaining and the date of last refill;

(iv) the name and address of the pharmacy from which such prescription information

82

is transferred;

(v) the last name and registration number of the pharmacist transferring the prescription drug order information; and,

(C) as required in federal DEA rules, exchange and document the sending and receiving pharmacy DEA number on a controlled dangerous substance prescription transfer.

(6) transferring pharmacies with computer systems shall invalidate the prescription drug order in their system for purposes of filling or refilling, but shall maintain the information for refill history purposes;

(7) if the computer system has the capacity to store all of the information required in (4) and (5) of this paragraph, the pharmacist is not required to record this information on the original or transferred prescription drug order.

(8) the computer system used by the pharmacy receiving the transfer must be able to show that a CDS or scheduled prescription is a transferred prescription. (This is to prevent the possible second transfer of a Scheduled prescription in violation of federal law and 535:15-3-12 (1).)

[Source: Added at 12 Ok Reg 2593, eff 6-26-95; Amended at 14 Ok Reg 3024, eff 7-1-97; Amended at 17 Ok Reg 2626, eff 7-1-00; Amended at 19 Ok Reg 1796,

eff 7-1-02; Amended at 20 Ok Reg 2476, eff 7-11-03; Amended at 24 Ok Reg 2257, eff 7-1-07; Amended at 30 Ok Reg 2010, eff 7-25-13; Amended at 32 Ok Reg

1229, eff 8-27-15]; Amended at 38 OK Reg 2446, eff 9-11-21]

535:15-3-12.1. Electronic transfer of prescription refill information

(a) Two or more pharmacies that have established and use a common electronic file to maintain required

prescription information may transfer the refill information electronically as described in Subsection (b), except as restricted in 535:15-3-12(1).

(b) Electronic transfer of prescription refill information shall be completed by a licensed pharmacist as follows:

- (1) Prior to the transfer or dispensing the pharmacist accessing the file of the original pharmacy shall review the profile of the patient.
- (2) In the electronic transfer file system the pharmacist shall be able to void the original prescription and identify the pharmacy and pharmacist taking the prescription refill information.
- (3) The original pharmacy shall be notified electronically of the transfer.
- (4) The rules in 535:15-3-12 (1), (3) and (5)(B),(i),(ii), (iii) apply to electronic transfers.

R156-17b-303e. Qualifications for Licensure - Education Requirements- Pharmacy Technician

[(3)] (1) In accordance with Subsection 58-17b-305(1)[(f),] (e), an applicant for licensure as a pharmacy technician shall complete a training program that is:

(a) accredited by:

(i) ASHP;

(ii)Accrediting Bureau of Health Education Schools (ABHES); or

(b) conducted by:

[(i) the National Pharmacy Technician Association;

(ii)] (i)Pharmacy Technicians University; or

[(iii)] (ii) a branch of the Armed Forces of the United States, and

[(e) meets the following standards:]-

(c) while licensed as a pharmacy technician trainee, completion of at least 180 hours of directly supervised practical training in a licensed pharmacy [as determined appropriate] by a licensed pharmacist in good standing. [;and

(ii) written protocols and guidelines for the teaching pharmacist outlining the utilization and supervision of pharmacy technician trainees that address:

(A) the specific manner in which supervision will be completed; and

(B) an evaluative procedure to verify the accuracy and completeness of any act, task and function performed by the pharmacy technician trainee.]

(2) An applicant shall successfully pass the required examination as listed in Subsection R156-17b-303c(4) within two years after obtaining a pharmacy technician trainee license.

R156-17b-303f. Qualifications for Licensure - Education Requirements- Pharmacy Technician Trainee

[(4)](1) In accordance with Subsection 58-17b-305.1 (f), [An individual shall complete] a pharmacy technician [training] trainee shall be actively participating in coursework and training while enrolled in a training program established in R156-17b-303e : [and

successfully pass the required examination as listed in Subsection R156-17b-303c(4) within two years after obtaining a pharmacy technician trainee license , unless otherwise approved by the Division in collaboration with the Board for good cause showing exceptional circumstances.

(a) Unless otherwise approved under Subsection (4), an individual who fails to apply for and obtain a pharmacy technician license within the two-year time frame shall repeat a pharmacy technician training program in its entirety if the individual pursues licensure as a pharmacy technician.]

(2) A pharmacy technician trainee that is suspended, dismissed, or discontinued the approved training program on file with the Division shall notify the Division and surrender the license within 60 days.

(3) An individual's license as a pharmacy technician trainee is limited to two years and may be extended, if approved by the Division, for one year from the date of license expiration if the individual is making reasonable progress on a course expected to lead to licensure.

(a) An individual shall repeat an approved pharmacy technician training program and reapply for pharmacy technician trainee licensure, in exceptional circumstances, with approval by the Division in collaboration with the Board, if they failed to:

(i) apply for pharmacy technician licensure within two years after completing their supervised training and experience; or

(ii) do not meet the pharmacy technician licensure requirements in the time period necessary to complete the program and training.

(4)(a) Pharmacy technician training programs described in R156-17b-303e (1)(b)(i)[that received Division approval on or before April 30, 2014] are exempt from satisfying ASHP or ABHES accreditation standards in Subsection R156-17b-303a(3)] for students enrolled on or before December 31, 20[18]24.

(b) A student in a program described in Subsection R156-17b-303e(1)(b)(i) [(5)(a)] shall comply with the program completion deadline and [testing] examination requirements in Subsection R156-17b-303c(4) [(4)], except that the license application shall be submitted to the Division no later than December 31, 202[4]5.

(c) A program in ASHP or ABHES candidate status shall notify a student prior to enrollment that if the program is denied accreditation status while the student is enrolled in the program, the student will be required to complete education in another program with no assurance of how many credits will transfer to the new program.

(d) A program in ASHP or ABHES candidate status that is denied accreditation shall immediately notify the Division, enrolled students and student practice sites, of the denial. The notice shall instruct each student and practice site that:

(i) the program no longer satisfies the pharmacy technician license education requirement in Utah; and
(ii) enrollment in a different program meeting requirements established in Subsection R156-17b-303[a] (e)(1)[(3)] is necessary for the student to complete training and to satisfy the pharmacy technician license education requirement in Utah.

(6) An applicant from another jurisdiction seeking licensure as a pharmacy technician in Utah meets the qualifications for licensure in Subsection 58-17b-305(1)(e) and 58-17b-305(1)(f) if the applicant:

(a) has engaged in the practice of a pharmacy technician for a minimum of 1,000 hours in that jurisdiction within the past two years or has equivalent experience as approved by the Division in collaboration with the Board; and

(b) has passed and maintained current PTCB or ExCPT certification