

Wyoming Administrative Rules

Pharmacy, Board of

Commissioner of Drugs & Substances Control

Chapter 6: Issuing Filing and Filling of Prescriptions

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ISSUING, FILING AND FILLING OF PRESCRIPTIONS

CHAPTER 6

Section 1. Authority

These rules are promulgated by the Wyoming Controlled Substances Act; W.S. § 35-7-1001 through 35-7-1060.

Section 2. Purpose.

To describe requirements for controlled substance prescriptions.

Section 3. Scope.

Applies to all registrants.

Section 4. Definitions.

(a) “Audit Trail” means a record showing who has accessed an information technology application and what operations the user performed during a given period.

(b) “Authentication” means verifying the identity of the user as a prerequisite to allow access to the information application.

(c) “Digital signature” means an electronic identifier that:

(i) Is intended by the party using it to have the same force and effect as a manual signature;

(ii) Is unique to the authorized signer;

(iii) Is capable of verification;

(iv) Is under the sole control of the authorized signer; and

(v) Is linked to the prescription in such a manner that, if the prescription information is changed, the signature is invalidated.

(d) “Drug order” means a lawful order from a practitioner for a drug for a specific patient, where a valid patient/practitioner relationship exists, that is communicated to a pharmacist in a licensed pharmacy.

(e) “Electronic prescription” means a prescription that is generated on an electronic application and transmitted as an electronic data file.

(f) “Electronic signature” means a method of signing an electronic message that identifies a particular person as the source of the message and indicates the person’s approval of the information contained in the message.

(g) “Electronic transmission” means transmission of the digital representation of information from one computer or other similar electronic device to another computer, which is authenticated by a digital signature.

(h) “Paper prescription” means a prescription created on approved security paper that includes a manual signature.

(i) “Readily retrievable” means that certain records are kept in such a manner that they can be separated out from all other records and produced for review within forty-eight (48) hours.

(j) “Registrant” means any person or entity licensed to prescribe or dispense controlled substances in the State.

(k) “Security” or “secure system” means a system which maintains the confidentiality and integrity of patient records being transmitted electronically.

Section 5. Persons Entitled to Issue Prescriptions.

A prescription for a controlled substance shall be issued only by a practitioner who is either registered or exempted from registration.

Section 6. Purpose of Issue of Prescription.

(a) A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by a practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription.

(b) A prescription may not be issued in order for an individual practitioner to obtain controlled substances for supplying the individual practitioner for the purpose of general dispensing to patients.

Section 7. Manner of Issuance of Written, Typed or Computer Generated Prescriptions.

(a) All controlled substance prescriptions written by a Wyoming practitioner shall be issued on security paper, unless exempted under this Chapter for electronic transmission. Any controlled substance prescription written by a Wyoming practitioner issued on non-security paper may not be dispensed by a pharmacist.

(b) Any written, typed or computer generated prescription issued by a Wyoming practitioner for a Schedule II-V controlled substance except those issued as a medication order for administration in a long-term care facility or institutional facility shall meet the following requirements:

(i) Be printed on security paper, which includes the following features:

(A) If scanned or copied, “void” is displayed prominently throughout the front side of the document;

(B) Front side has erasure protection on green or blue background;

(C) Clear instructions printed on the paper indicating the front and back sides;

(D) Security warning list on the front or back;

(E) Quantity check-off boxes plus numeric forms of quantity values or alpha and numeric forms of quantity value (e.g. 20 and twenty); and

(F) Refill indicator (circle or check number of refills or “NR”) plus numeric form of refill values or alpha and numeric form of refill values.

(ii) All supplies of security paper shall be approved by the Board. Approval shall be based on the suppliers’ product meeting the requirements of this chapter. The Board shall make available a listing of all approved suppliers, which is updated at least annually.

(iii) All Board approved suppliers of security paper shall provide the Board written assurance that they will distribute prescription pads or paper only to practitioners duly authorized to prescribe controlled substances in Wyoming.

(c) All controlled substance paper prescriptions written by a Wyoming practitioner shall be manually signed in the same manner as the practitioner would sign a check or legal document. The use of electronic or digital signatures or signature stamps is not allowed, unless electronic prescriptions are used according to his chapter.

(d) Prescriptions may be prepared for dating and signature of the practitioner by an authorized agent of the practitioner and the use of preprinted prescriptions is allowed. Under no circumstances may stickers be utilized for information relating to drug, strength, quantity or directions.

(e) Prescriptions shall be dated as of, and signed on, the day when issued and shall bear the patient’s full name and address and the full name, address, telephone number and DEA registration number of the issuing practitioner. No postdating of controlled substance prescriptions is allowed.

(f) Prescriptions shall be written in ink, typed or electronically generated.

(g) The prescribing practitioner and dispensing pharmacist share the responsibility to assure compliance with this section.

(h) A refill request for a Schedule III-V controlled substance generated and faxed or requested electronically by the pharmacy to a practitioner for refill authorization need not be printed on security paper.

(i) The information sent by the practitioner to the pharmacy shall indicate who authorized the refill.

(j) A Schedule III-V controlled substance prescription faxed by the practitioner to the pharmacy need not be printed on security paper.

(k) An intern, resident, or foreign physician exempted from registration under Chapter 3 of these rules shall include on all prescriptions issued by him the registration number of the hospital or other institution and the special internal code number assigned to him by the hospital or other institution as provided in Chapter 3 of these rules, in lieu of the registration number of the practitioner required by this section. Each prescription shall have the name of the intern, resident, or foreign physician stamped or printed on it, as well as the signature of the physician.

(l) An official exempted from registration under Chapter 3 of these rules shall include on all prescriptions issued by him, his branch of service or agency (e.g. "U.S. Army" or "Public Health Service") and his service identification number, in lieu of the registration number of the practitioner required by this section. The service identification number of a Public Health Service employee is his Social Security identification number. Each prescription shall have the name of the officer stamped or printed on it, as well as the signature of the officer.

Section 8. Persons Entitled to Fill Prescriptions.

A prescription for a controlled substance may only be filled by a pharmacist or intern or pharmacy technician or technician-in-training under direct supervision by a pharmacist, acting in the usual course of his/her professional practice or by a registered practitioner.

Section 9. Identification of a Patient.

(a) The pharmacist or employee under supervision must verify the identity of the person presenting a controlled substance prescription to the pharmacy for dispensing. This may be done by visual recognition. If identity is not established by visual recognition, a driver's license or similar photo identification form is acceptable documentation. The following information shall be recorded on the paper prescription, if identification is utilized: name, type of identification, and identification number.

(b) The name of the person receiving the dispensed drug is to be recorded on the prescription document, patient profile, or signature log, if an agent and not the patient receives the drug.

(c) This Section shall not apply to pharmacies that mail prescriptions to their patients. A note shall be entered on the prescription or patient's profile with the name and address of where the medication was mailed. Additionally, the date of such mailing shall be entered.

Section 10. Dispensing of Narcotic Drugs for Maintenance Purposes.

The administering or dispensing directly (but not prescribing) of narcotic drugs listed in any schedule to a narcotic drug dependent person for the purpose of continuing his dependence upon such drugs in the course of conducting a federally authorized clinical investigation in the development of a narcotic addict rehabilitation program shall be deemed to be within the meaning of the term "in the course of his professional practice or research."

Section 11. Prescription Formats.

(a) A pharmacist may dispense any prescription drug as follows:

(i) A written prescription signed by a practitioner or their agent;

(ii) A prescription transmitted by the practitioner or their agent to the pharmacy by electronic means; or

(iii) A verbal prescription made by an individual practitioner or their agent and promptly reduced to writing.

Section 12. Electronic Prescriptions.

(a) The practitioner may issue a prescription for a Schedule II, III, IV or V controlled substance electronically if an electronic prescription application is used that has been certified by a third party auditor to ensure that the electronic prescription application records, stores, and transmits the prescription accurately and consistently and that individual practitioner has obtained a two-factor authentication credential for signing.

(b) The electronic prescription application must transmit the electronic prescription as soon as possible after signature by the practitioner and the contents of the prescription must not be altered during transmission between the practitioner and pharmacy.

(c) The pharmacy receiving the electronic prescription must determine that third-party certification has found that the pharmacy application accurately and consistently imports, stores and displays the information required for the prescription including the number of refills and the practitioner's digital signature.

(d) An electronic prescription shall only be transmitted to the pharmacy of the patient's choice.

(e) The pharmacist is responsible for assuring the validity of the electronically transmitted prescription.

(f) A pharmacist or pharmacy shall not enter into any agreement to provide or receive a computer modem, personal digital assistant, facsimile machine, or any other electronic device which would adversely affect a patient's freedom to select the pharmacy of the patient's choice.

(g) A pharmacist or pharmacy shall not provide a computer or computer modem, personal digital assistant, facsimile machine or any other electronic device to a prescriber or health care facility for the purpose of providing an incentive to refer a patient to a particular pharmacy.

Section 13. Requirement of Prescription for Schedule II Substances.

(a) A pharmacist may dispense a controlled substance listed in Schedule II, only pursuant to a written or electronic prescription signed by the practitioner, except as provided in this section.

(b) A practitioner may administer or directly dispense a controlled substance listed in Schedule II without a prescription if it is dispensed in the course of his professional practice.

(c) In the case of an emergency situation, as defined in this section, a pharmacist may directly dispense a controlled substance listed in Schedule II upon receiving verbal authorization of a practitioner, provided that:

(i) The quantity prescribed and dispensed shall be limited to the amount necessary to treat the patient during the emergency period (dispensing beyond the emergency period must be pursuant to a written or electronic prescription signed by the practitioner);

(ii) The emergency verbal prescription shall be immediately reduced to writing by the pharmacist and shall contain all information required in this chapter except for the signature of the practitioner;

(iii) If the practitioner is not known to the pharmacist, the pharmacist shall make a reasonable effort to determine that the verbal authorization came from a registered practitioner; and

(iv) Within seven (7) calendar days after authorizing an emergency verbal prescription, the practitioner shall cause a written prescription for the emergency quantity prescribed to be delivered to the dispensing pharmacist. In addition to conforming to the requirements of this chapter, the prescription shall have written on its face "Authorization for Emergency Dispensing" and the date of the verbal order. The written prescription may be

delivered to the pharmacist in person or by mail. If delivered by mail, it must be postmarked within the seven (7) day period. Upon receipt, the dispensing pharmacist shall attach this prescription to the verbal emergency prescription which had earlier been reduced to writing. The pharmacist shall notify the DEA if the practitioner fails to deliver a written prescription

(d) A prescription for a Schedule II controlled substance shall be valid up to six (6) months from the date issued by the practitioner.

(e) A pharmacist shall cancel all written Schedule II controlled substance prescriptions when dispensed by dating and signing the face of the paper prescription. All electronic Schedule II controlled substance prescriptions shall be cancelled once dispensed.

(f) Information that can be changed on a Schedule II prescription shall meet the following requirements:

(i) After consultation/approval of the prescribing practitioner, the pharmacist is permitted to change the following:

- (A) Drug strength;
- (B) Drug quantity;
- (C) Directions for use; or
- (D) Dosage form.

(ii) The pharmacist is permitted to add or change the patient's address with proper verification without consulting the practitioner.

(iii) The practitioner's DEA registration number may be added to a prescription drug order after consulting the practitioner or verifying the number from another reliable source.

(iv) Required information may appear on the front or back of the paper prescription drug order. Computer generated modifications to the prescription drug order are allowed.

(v) Any change made by the pharmacist shall be documented and shall include the date, name of person consulted, and initials of the pharmacist.

(vi) A pharmacist shall not change the patient's name, controlled substance prescribed (except for generic substitution permitted by state law), date issued, or the prescriber's signature.

(g) For the purposes of authorizing a verbal prescription of a controlled substance listed in Schedule II, the term “emergency situation” means those situations in which the prescribing practitioner determines:

(i) That immediate administration of the controlled substance is necessary, for proper treatment of the intended ultimate user;

(ii) No appropriate alternative treatment is available, including administration of a drug which is not a controlled substance; and

(iii) It is not reasonably possible for the prescribing practitioner to provide a written or electronic prescription to be presented to the person dispensing the substance prior to dispensing.

(h) A Schedule II controlled substance prescription may be faxed if it meets the criteria as specified in this chapter and Wyoming Pharmacy Act, Chapter 2, General Practice of Pharmacy Regulations.

Section 14. Refilling Prescriptions – Schedule II.

The refilling of a prescription for a controlled substance listed in Schedule II is prohibited.

Section 15. Issuance of Multiple Prescriptions – Schedule II.

(a) An individual practitioner may issue multiple prescriptions authorizing the patient to receive a total of up to a 90-day supply of a Schedule II controlled substance provided the following conditions are met:

(i) Each separate prescription is issued for a legitimate medical purpose by a practitioner acting in the usual course of professional practice;

(ii) Each individual prescription is dated with the date it was prescribed and contains all other information required by this Chapter;

(iii) The practitioner provides written instructions on each prescription (other than the first prescription, if the prescribing practitioner intends for that prescription to be filled immediately) indicating the earliest date on which a pharmacy may fill each prescription; and

(iv) The practitioner concludes that providing the patient with multiple prescriptions in this manner does not create an undue risk of diversion or abuse.

Section 16. Partial Filling of a Prescription – Schedule II.

(a) A prescription for a controlled substance in schedule II may be partially filled if:

- (i) The partial fill is requested by the patient or the practitioner;
- (ii) The total quantity dispensed in all partial fillings does not exceed the total quantity prescribed; and
- (iii) Remaining portions of a partially filled prescription shall be filled not later than 30 days after the date on which the prescription is written.

(b) The partial filling of a prescription for a controlled substance listed in Schedule II is permissible, if the pharmacist is unable to supply the full quantity called for in a written, electronic or emergency verbal prescription and he makes a notation of the quantity supplied on the face of the paper prescription, and a written record of the emergency verbal prescription. The remaining portion of the prescription may be filled within seventy-two (72) hours of the first partial filling. If the remaining portion is not or cannot be filled within the seventy-two (72) hour period, the pharmacist shall notify the practitioner. No further quantity may be supplied beyond seventy-two (72) hours without a new prescription.

(c) A prescription for a Schedule II controlled substance written for a patient in a Long Term Care Facility (LTCF) or for a patient with a medical diagnosis documenting a terminal illness may be filled in partial quantities including individual dosage units.

(i) If there is any question whether a patient may be classified as having a terminal illness, the pharmacist shall contact the practitioner prior to partially filling the prescription.

(ii) The pharmacist must record on the prescription whether the patient is “terminally ill” or an “LTCF patient.”

(iii) For each partial filling, the dispensing pharmacist shall record on an appropriate record, uniformly maintained and readily retrievable:

- (A) The date of the partial filling;
- (B) Quantity dispensed;
- (C) Remaining quantity authorized to be dispensed; and
- (D) Identification of the dispensing pharmacist.

(iv) The total quantity of Schedule II controlled substances dispensed in all partial fillings shall not exceed the total quantity prescribed.

(v) Schedule II prescriptions dispensed in partial fillings shall be valid for a period not to exceed sixty (60) days from the issue date unless sooner terminated by the discontinuation of the medication.

(d) Information pertaining to current Schedule II prescriptions for patients in a LTCF or for patients with a medical diagnosis documenting a terminal illness may be maintained in a computerized system

Section 17. Labeling of Substances – Schedule II.

The pharmacist filling a written, electronic, or emergency verbal prescription for a controlled substance listed in Schedule II shall affix to the package a label showing the date of the filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner, and directions for use and cautionary statements, if any, contained in such prescription or required by law.

Section 18. Filling of Prescription – Schedule II.

All written or electronic prescriptions and written records of emergency verbal prescription shall be kept in accordance with requirements of Chapter 4 of these rules.

Section 19. Requirement of Prescription for Schedule III and IV Substances.

(a) A pharmacist may dispense a controlled substance listed in Schedule III or IV, only pursuant to either a written or electronic prescription signed by a prescribing practitioner or a verbal prescription made by a prescribing practitioner and promptly reduced to writing or electronic record. The prescription may be faxed. All Schedule III or IV prescriptions must contain the information required in this chapter.

(b) A practitioner may administer or dispense a controlled substance listed in Schedules III or IV in the course of his professional practice without a prescription.

(c) An institutional practitioner or his authorized agent may administer or dispense directly (but not prescribe) controlled substances listed in Schedules III or IV pursuant to a paper prescription signed by a prescribing practitioner or his authorized agent, or pursuant to a verbal prescription made by a prescribing practitioner and promptly reduced to writing by the pharmacist (containing all information required in this Chapter, except for the signature of the prescribing practitioner), or pursuant to an order for medication made by a practitioner or his authorized agent which is dispensed for immediate administration to the intended ultimate user.

Section 20. Refilling of Prescription – Schedules III and IV.

(a) No prescription for a controlled substance listed in Schedules III or IV shall be filled or refilled more than six (6) months after the date on which such prescription was issued.

(b) No prescription authorized to be refilled may be refilled more than five (5) times.

(c) Each refilling of a prescription shall be documented on a readily retrievable record, which indicates the date and name of the dispensing pharmacist and is initialed and dated by the pharmacist. The amount dispensed shall be stated on the record.

(d) Additional quantities of controlled substances listed in Schedule III or IV may only be authorized by a prescribing practitioner through issuance of a new prescription.

Section 21. Partial Filling of Prescriptions – Schedules III and IV.

(a) The partial filling of a prescription for a controlled substance listed in Schedules III or IV is permissible, provided that:

(i) Each partial filling is recorded in the same manner as a refilling;

(ii) The total quantity dispensed in all partial fillings does not exceed the total quantity prescribed; and

(iii) No dispensing occurs after six (6) months after the date on which the prescription was issued.

Section 22. Labeling of Substances – Schedules III and IV.

The pharmacist filling a prescription for a controlled substance listed in Schedules III or IV shall affix to the package a label showing the pharmacy name and address, the serial number and date of the filling, the name of the patient, the name of the practitioner issuing the prescription, directions for use, and cautionary statements, if any, as required by law.

Section 23. Filing Prescriptions – Schedules III and IV.

All prescription records for controlled substances listed in Schedules III and IV shall be kept in accordance with Chapter 4 of these rules.

Section 24. Requirements of Prescription for Schedule V Substances.

(a) A pharmacist may dispense a controlled substance listed in Schedule V pursuant to a prescription as required for controlled substances listed in Schedules III and IV in this chapter. A prescription for a controlled substance listed in Schedule V may be refilled only as expressly authorized by the prescribing practitioner on the prescription; if no authorization is given, the prescription shall not be filled. A pharmacist dispensing such substance pursuant to a prescription shall label the substance in accordance with this chapter and file the prescription in accordance with this chapter.

(b) A practitioner may administer or dispense a controlled substance listed in Schedule V in the course of his professional practice without a prescription.