

# House Bill 3522

Sponsored by Representative THOMPSON

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes practitioners to electronically transmit prescriptions for Schedule II controlled substances in nonemergency situations.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to prescriptions; amending ORS 475.185 and 475.188; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 475.185 is amended to read:

5 475.185. (1)(a) Except when dispensed directly by a practitioner to an ultimate user, a controlled  
6 substance in Schedule II may not be dispensed without *[the]* a written **or electronically transmit-**  
7 **ted** prescription of a practitioner.

8 [(2)] (b) In emergency situations, as defined by rule of the State Board of Pharmacy, Schedule  
9 II drugs may be dispensed *[upon oral or electronically transmitted]* **with an oral** prescription of a  
10 practitioner, reduced promptly to writing and filed by the pharmacy. **Such** prescriptions shall be  
11 retained in conformity with the requirements of ORS 475.165.

12 (c) A prescription for a Schedule II substance may not be refilled.

13 [(3)] (2) Except when dispensed directly by a practitioner to an ultimate user, a controlled sub-  
14 stance included in Schedule III or IV may not be dispensed without a written, oral or electronically  
15 transmitted prescription of a practitioner. The prescription may not be filled or refilled more than  
16 six months after the date on which it was issued and a prescription authorized to be refilled may  
17 not be refilled more than five times. Additional quantities of the controlled substances listed in  
18 Schedule III or IV may *[only]* be authorized by a practitioner **only** through issuance of a new pre-  
19 scription.

20 [(4)] (3) Except when dispensed directly by a practitioner to an ultimate user, a controlled sub-  
21 stance included in Schedule V that is a prescription drug may not be dispensed without a written,  
22 oral or electronically transmitted prescription of a practitioner. The prescription may not be filled  
23 or refilled more than six months after the date on which it was issued and a prescription authorized  
24 to be refilled may not be refilled more than five times. Additional quantities of the controlled sub-  
25 stances listed in Schedule V may *[only]* be authorized by a practitioner **only** through issuance of a  
26 new prescription.

27 [(5)] (4) A controlled substance may not be delivered or dispensed other than for a medical  
28 purpose.

29 [(6)] (5) Except in good faith and in the course of professional practice only, a practitioner or  
30 a pharmacist may not dispense controlled substances.

31 [(7)] (6) Any oral or electronically transmitted prescription authorized by statute or rule must

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 be stored by electronic means or reduced promptly to writing and filed by the pharmacy.

2 [(8)] (7) Issuance, preparation, labeling, dispensing, recordkeeping and filing of prescriptions or  
3 medication orders must be in conformance with the requirements of the federal law and rules of the  
4 board.

5 **SECTION 2.** ORS 475.188 is amended to read:

6 475.188. (1) Prescription drug orders may be transmitted by electronic means from a practitioner  
7 authorized to prescribe drugs directly to the dispensing pharmacist.

8 (2) All prescription drug orders communicated by way of electronic transmission shall:

9 (a) Be transmitted only by an authorized practitioner;

10 (b) Be transmitted directly to a pharmacist in a pharmacy of the patient's choice with no in-  
11 tervening person having access to the prescription drug order;

12 (c) Specify the prescribing practitioner's telephone number for verbal confirmation, the time and  
13 date of transmission, the identity of the pharmacy intended to receive the transmission and all other  
14 information required for a prescription by federal or state law; and

15 (d) Be traceable to the prescribing practitioner by an electronic signature or other secure  
16 method of validation.

17 (3) An electronic transmission of a prescription drug order shall be stored by electronic means  
18 or reduced promptly to writing, filed by the pharmacy and retained in conformity with the require-  
19 ments of ORS 475.165.

20 (4) The dispensing pharmacist shall exercise professional judgment regarding the accuracy, va-  
21 lidity and authenticity of an electronically transmitted prescription drug order.

22 (5) All equipment for transmission, storage or receipt of electronically transmitted prescription  
23 drug orders shall be maintained to protect against unauthorized access.

24 (6) A pharmacist, pharmacy or pharmacy department shall not enter into an agreement with a  
25 practitioner or health care facility concerning the provision of any electronic transmission equip-  
26 ment or apparatus that would adversely affect a patient's freedom to select the pharmacy or phar-  
27 macy department of the patient's choice.

28 (7) A pharmacist, pharmacy or pharmacy department shall not provide any electronic equipment  
29 or apparatus to a practitioner or health care facility for the purpose of providing an incentive to  
30 the practitioner or health care facility to refer patients to a particular pharmacy or pharmacy de-  
31 partment.

32 (8) There shall be no additional charge to the patient because the prescription drug order was  
33 electronically transmitted.

34 (9) Nothing in this section shall be construed as authorizing the electronic transmission of a  
35 prescription drug order when a written prescription is required under ORS 127.815, 137.473,  
36 169.750[,] or 453.025 [or 475.185 (1)].

37 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**  
38 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
39 **on its passage.**

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