

**Subject** Refills Without a Prescription

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## Overview

This bill allows a pharmacist to dispense or sell a drug without a valid prescription, if the prescription on record does not provide for a refill or the time for providing refills has elapsed, and other specified conditions are met. The bill also requires the Board of Pharmacy to adopt rules to establish the types of drugs that may be dispensed, and requires health plans to cover the drugs that are dispensed under these conditions.

## Summary

Section	Description
1	<p><b>Drug coverage in emergency situations.</b></p> <p>Adds § 62Q.528. Requires a health plan that provides drug coverage to cover drugs under § 151.221 (allowing refills without a prescription) under the terms that would apply had the drug been dispensed according to a prescription.</p> <p>States that the section is effective on January 1 of the first calendar year after the adoption of rules, or 90 days following the adoption of rules, whichever is later, and applies to health plans offered, issued, or renewed on or after that date.</p>
2	<p><b>Refills without valid prescription.</b></p> <p>Adds § 151.221. (a) In accordance with rules adopted by the Board of Pharmacy, allows a pharmacist to dispense or sell a legend drug without a prescription, if all of the following conditions are met:</p> <ol style="list-style-type: none"><li>(1) the patient has been on a consistent drug therapy;</li><li>(2) the pharmacy has a record of the prescription drug order for the patient, but the prescription does not provide for a refill or the time for providing refills has elapsed;</li><li>(3) the pharmacist is unable to contact the practitioner who issued the prescription, or another practitioner responsible for the patient's care, to obtain refill authorization;</li></ol>

Section	Description
	<p>(4) the drug is essential to sustain the life of the patient or to continue therapy for a chronic condition; and</p> <p>(5) failure to dispense or sell the drug would harm patient health.</p> <p>(b) Limits the amount dispensed or sold to a 30-day supply, or the standard unit of dispensing.</p> <p>(c) Prohibits a pharmacist from dispensing or selling the same drug to the same patient more than once in a 12-month period.</p> <p>(d) Requires a pharmacist to notify the practitioner who issued the prescription within 72 hours of the drug being sold or dispensed.</p> <p>(e) Requires the record of the drug sold or dispensed under this section to be maintained in the same manner as other prescriptions.</p> <p>States that the section is effective 30 days after adoption of rules.</p>
3	<p><b>Rules; refills without a valid prescription.</b></p> <p>Adds § 151.222. Requires the Board of Pharmacy, in consultation with the Board of Medical Practice and the Board of Nursing and the Department of Health, to adopt rules to establish the types of drugs that may be dispensed without a valid prescription. Allows the board to establish additional record keeping and reporting requirements to monitor the types and numbers of prescriptions dispensed.</p> <p>States that this section is effective the day following final enactment.</p>



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