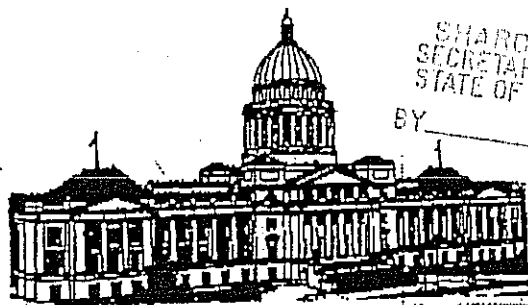


ARKANSAS REGISTER

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96 MAR 21 AM 11:31

Transmittal Sheet



SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

BY

Sharon Priest
Secretary of State
State Capitol Room 017
Little Rock, AR 72201-1094

For Office
Use Only:

Effective Date

3/30/96

Code Number

070.00.96-001

Name of Agency Arkansas State Board of Pharmacy

Department _____

Contact Person John T. Douglas, P.D., or Sheila Castin

Statutory Authority for Promulgating Rules 17-901-205 (A)

Regulation 58

Intended Effective Date

☐ Emergency

☒ ¹⁰ Days After Filing

☐ Other _____

Legal Notice Published 1/22, 1/29
2/5, 2/12/96

Final Date for Public Comment 2/13/96

Filed With Legislative Council 2/7/96

Reviewed by Legislative Council 3/7/96

Adopted by State Agency 2/13/96

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

John T. Douglas P.D.
Signature

Executive Director

Title

March 19, 1996

Date

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SECRETARY OF STATE
STATE OF ARKANSAS
BY _____

58. ELECTRONIC PRESCRIPTION PROCESSING AND PATIENT CONFIDENTIALITY

1. DEFINITIONS:

- A. "Confidential Information" means information that is personally identifiable and, therefore, can be traced back to the patient or prescribing practitioner that is accessed or maintained by the pharmacist in the patient's records or which is communicated to the patient, as part of patient counseling, which is privileged and may be released only to the patient or prescriber or, as the patient or prescriber directs; to those practitioners, other authorized health care professionals, and other pharmacists where, in the pharmacist's professional judgement, such release is necessary to protect the patient's health and well being; and to such other persons or governmental agencies authorized by law to receive such confidential information, regardless of whether such information is in the form of paper, preserved on microfilm, or is stored on electronic media.**
- B. "Electronic Transmission" means transmission of information in electronic form or the transmission of the exact visual image of a document by way of electronic equipment.**
- C. "Prescription Drug Order" means a lawful order of a Practitioner for a drug or device for a specific patient that is communicated to a pharmacist.**

2. PATIENT CONFIDENTIALITY REQUIREMENTS:

- A. Prescription information and other patient health care information shall be maintained in a manner that protects the integrity and confidentiality of such information as provided by rules of the Board.**
- B. The pharmacy shall provide a mechanism for patients to prevent the disclosure of any information (confidential or otherwise) about them that was obtained or collected by the pharmacist or pharmacy incidental to the delivery of Pharmaceutical Care other than as authorized by law or rules of the Board.**
- C. The pharmacist-in-charge shall:**
 - (a) Establish written policies and procedures for maintaining the integrity and confidentiality of prescription information and patient health care information. All employees of the pharmacy, with access to any such information, shall be required to read, sign, and comply with the established policies and procedures.**
 - (b) Assure that the requirements of this regulation are established and implemented.**

3. MANNER OF ISSUANCE OF A PRESCRIPTION DRUG ORDER

- A.** A prescription drug order may be transmitted to a pharmacy by electronic transmission. If transmitted by way of electronic transmission, the prescription drug order shall be immediately reduced to a form, by the pharmacist, that may be maintained for the time required by law or rules. Persons other than those bound by a confidentiality agreement, pursuant to a consent agreement, shall not have access to pharmacy records containing personally identifiable confidential information concerning the pharmacy's patients or prescribers.
- B.** All prescription drug orders, communicated by way of electronic transmission shall:
 - (a)** Be sent only to the pharmacy of the patient's choice with no intervening person having access to the prescription drug order.
 - (b)** Identify the transmitter's phone number for verbal confirmation, the time and date of transmission, and the pharmacy intended to receive the transmission -- as well as any other information required by Federal or State Law.
 - (c)** Be transmitted by the authorized practitioner or his designated agent.
 - (d)** Be deemed the original prescription drug order provided it meets the requirement of this regulation and other law or regulation.
- C.** All electronic equipment, for receipt of prescription drug orders communicated by way of electronic transmission, shall be maintained so as to ensure against unauthorized access. The pharmacist shall exercise professional judgement regarding the accuracy, validity, and authenticity of the prescription drug order consistent with existing Federal or State Laws or Regulations.
- D.** The prescribing practitioner may authorize his agent to transmit a prescription drug order, by electronic transmission, to the pharmacy -- provided that the identity of the transmitting agent is included in the order.

4. PATIENT RECORDS:

- A.** Personally identifiable confidential information, in the patient medication record, may be released to the patient, the prescriber, other licensed practitioners then caring for the patient, another licensed pharmacist, the Board or it's representatives, or any other person duly authorized by law to receive such information. Personally identifiable confidential information, in the patient medication record, may be released to others only on written release of the patient. Personally identifiable confidential information, in the patient medication record related to identity of the prescriber, may be released only on written release of the prescriber.

5. DISCIPLINE:

- A.** The Board of Pharmacy may refuse to issue or renew, or may suspend, revoke, restrict the licenses or the registration of, or fine any person for divulging or revealing confidential information to a person other than as authorized by rules of the Board.

6. SECURITY:

- A. To maintain the confidentiality of patient and prescriber records, the computer system shall have adequate security and system safeguards designed to prevent and detect unauthorized access, modification, or manipulation of patient records. Once the drug has been dispensed, any alterations in prescription drug order data shall be documented — including the identification of the pharmacist responsible for the alteration.**
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EXECUTIVE DIRECTOR

March 19, 1996

Ms. Sharon Priest
Secretary of State
State Capitol
Little Rock, AR 72201

FILED
AR. REGISTER DIV.
96 MAR 21 AM 11:30
SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS
BY _____

Dear Ms. Priest:

Enclosed is a copy of Regulation 58 and amended Regulation 9-D along with the transmittal sheet for the regulations. These regulations have been promulgated and presented to the Subcommittee on Administrative Rules and Regulations of the Legislative Council. This Subcommittee has reviewed the regulations.

We will appreciate receiving a certified copy of each regulation which has been dated and stamped by your office.

Thank you in advance for your cooperation.

sincerely,

A handwritten signature in cursive script, appearing to read "Sheila Castin".

Sheila Castin
Assistant Director

ssc

enc.