

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

**John Thurston**

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas Department of Health

Department State Medical Board

Contact Amy Embry E-mail amy.embry@armedicalboard.org Phone 501-296-1802

Statutory Authority for Promulgating Rules 17-95-303

Rule Title: Rule No. 12: Dispensing

Intended Effective Date  
(Check One)

☐ Emergency (ACA 25-15-204)

☒ 10 Days After Filing (ACA 25-15-204)

☐ Other \_\_\_\_\_  
(Must be more than 10 days after filing date.)

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Date

2/14/22, 2/15/22, 2/16/22

3/22/22

8/25/22

6/28/22

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Amy Embry amy.embry@armedicalboard.org

Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

501-296-1802

amy.embry@armedicalboard.org

Phone Number

E-mail Address

Executive Director

Title

9/30/22

Date

**RULE NO. 12**  
**DISPENSING**

**SECTION I: APPROVAL TO DISPENSE: LEGEND DRUGS**

1. Any physician desiring to dispense legend drugs shall apply to the Arkansas State Medical Board on a form provided for that purpose and shall be required to demonstrate the need for such dispensing of legend drugs prior to receiving approval.

2. This section does not apply to:

- a. Licensed physicians who were dispensing in the ordinary course of his/her practice before April 12, 2013 shall be exempt from the licensing requirements of this section.
- b. Physicians who only dispense drugs in injectable form unless they are controlled substances, in which case this section shall apply fully.
- c. Physicians dispensing topical medication, Naloxone, nicotine replacement therapy, contraceptives, acute care medication that is a legend but not a controlled substance prescribed for no more than fourteen (14) days, and initial treatment for maintenance medication.
  - i. Acute care medication includes the following oral medications:
    - 1. To treat infections;
    - 2. Anti-inflammatory medications;
    - 3. Antinausea medications;
    - 4. Antihistamines; and
    - 5. Cough medications.
  - ii. Initial treatment for maintenance medication means a legend drug that:
    - 1. Is not a controlled substance;
    - 2. Is prescribed for no more than thirty (30) days;
    - 3. And is used to treat hypertension, diabetes mellitus, or hypercholesterolemia.

3. A "dispensing physician" is a physician licensed under the Arkansas Medical Practices Act who purchases legend drugs to be dispensed to his/her patients for the patients' personal use and administration outside the physician's office. A dispensing physician shall:

- a. Personally dispense legend drugs, and the dispensing of legend drugs may be delegated;
- b. Keep records of all receipts and distributions of legend drugs;
- c. Label drugs with the following information:

- i. Patient's name and address;
  - ii. Prescribing physician's address, narcotic registry number issued by the U.S. DEA, or national provider identification number;
  - iii. Date of dispensing; and
  - iv. Directions and cautionary statements, if any, required by law; and
- d. Make all records readily accessible for inspection by a designated inspector of the Arkansas State Medical Board and at its direction during all regular business hours.

## **SECTION II: DISPENSING REQUIREMENTS**

1. All records maintained by a dispensing physician shall be subject to inspection by a designated inspector of the Arkansas State Medical Board and at its direction during all regular business hours.
2. Any dispensing physician or delegated individual participating in the preparation of orders or dispensing of prescriptions or any dispensing physician who is responsible for supervising personnel participating in the preparation of orders or dispensing of prescriptions is responsible for the validity and legality of the order or prescription.
  - (a) Any dispensing physician who is responsible for supervising personnel is also responsible for any shortage of drugs classified as controlled drugs under state or federal law which occurs under ~~their~~ his/her supervision.
  - (b) The dispensing physician is responsible for the security and accountability of all drugs stored and is responsible for the validity and legality of all prescriptions or ~~and/or~~ orders upon which drugs are dispensed. The dispensing physician is responsible for ensuring that delegated staff has been appropriately trained to follow all policies and procedures.
3. An inventory is to be maintained, monitored, and recorded jointly by the dispensing physician and delegated employees.