

2018 Regular Session

HOUSE BILL NO. 548

BY REPRESENTATIVE DUSTIN MILLER

DRUGS/PRESCRIPTION: Requires, with limited exceptions, that prescribers transmit prescriptions for drugs to pharmacies electronically

1 AN ACT

2 To enact R.S. 37:1701.1 through 1701.3, relative to electronic prescriptions; to provide for
3 duties of prescription prescribers; to provide for mandatory electronic prescriptions;
4 to provide for the duties of the Louisiana Board of Medical Examiners, Louisiana
5 Board of Pharmacy, and the Louisiana Board of Dentistry; to provide for exceptions;
6 to provide for penalties, to provide for rules and regulations; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:1701.1 through 1701.3 are hereby enacted to read as follows:

10 §1701.1. Electronic prescriptions

11 Notwithstanding any law to the contrary, no physician surgeon, optometrist,
12 medical psychologist, dentist or any other prescriber, shall issue any prescription in
13 this state unless such prescription is generated by electronic prescription from the
14 prescriber issuing the prescription to a pharmacy.

15 §1701.2. Exceptions

16 A. The prescribing of electronic prescriptions shall not apply to prescriptions
17 issued:

18 (1) By veterinarians.

19 (2) In circumstances where electronic prescribing is not available due to
20 temporary technological or electrical failure.

1 (3) By a practitioner to be dispensed by a pharmacy located outside the
2 state.

3 (4) When the prescriber and dispenser are the same entity.

4 (5) That include elements that are not supported by the most recently
5 implemented version of the National Council for Prescription Drug Programs
6 Prescriber/Pharmacist Interface SCRIPT Standard.

7 (6) By a practitioner for a drug that the federal Food and Drug
8 Administration requires the prescription to contain certain elements that are not able
9 to be accomplished with electronic prescribing.

10 (7) By a practitioner allowing for the dispensing of a non-patient specific
11 prescription pursuant to a standing order, approved protocol for drug therapy,
12 collaborative drug management or comprehensive medication management, in
13 response to a public health emergency, or other circumstances where the practitioner
14 may issue a non-patient specific prescription.

15 (8) By a practitioner prescribing a drug under a research protocol.

16 (9) By practitioners who have received a waiver or a renewal thereof from
17 the requirement to use electronic prescribing.

18 (10) By a practitioner under circumstances where, notwithstanding the
19 practitioner's present ability to make an electronic prescription as required by this
20 Subsection, such practitioner reasonably determines that it would be impractical for
21 the patient to obtain substances prescribed by electronic prescription in a timely
22 manner, and such delay would adversely impact the patient's medical condition.

23 B. Pharmacists may continue to dispense medications from otherwise valid
24 written, oral or facsimile prescriptions that are consistent with current state laws and
25 regulations.

26 C.(1) An individual who violates the provisions of this Section shall be fined
27 two-hundred fifty dollars per violation, not to exceed five thousand dollars in one
28 calendar year.

1 (2) Provisions of this Section shall be enforced by the Louisiana Board of
2 Medical Examiners, Louisiana Board of Pharmacy, and the Louisiana Board of
3 Dentistry.

4 §1701.3. Rules and regulations

5 Louisiana Board of Medical Examiners, Louisiana Board of Pharmacy, and
6 the Louisiana Board of Dentistry shall promulgate rules and regulations in
7 accordance with the Administrative Procedure Act, and take such other actions as are
8 necessary to implement the provisions of this Section.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 548 Original

2018 Regular Session

Dustin Miller

Abstract: Requires prescribers to transmit drug prescriptions to pharmacies electronically.

Proposed law requires prescribers of drug prescriptions to transmit request electronically.

Proposed law provides the following as exceptions to electronic prescriptions:

- (1) Veterinarians.
- (2) Circumstances where electronic prescribing is not available due to temporary technological or electrical failure.
- (3) By a practitioner to be dispensed by a pharmacy located outside the state.
- (4) When the prescriber and dispenser are the same entity.
- (5) Elements that are not supported by the most recently implemented version of the National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard.
- (6) Issued by a practitioner for a drug that the federal Food and Drug Administration requires the prescription to contain certain elements that are not able to be accomplished with electronic prescribing.
- (7) By a practitioner allowing for the dispensing of a non-patient specific prescription pursuant to a standing order, approved protocol for drug therapy, collaborative drug management or comprehensive medication management, in response to a public health emergency, or other circumstances where the practitioner may issue a non-patient specific prescription.
- (8) By a practitioner prescribing a drug under a research protocol.
- (9) By practitioners who have received a waiver or a renewal thereof from the requirement to use electronic prescribing.

(10) By a practitioner under circumstances where, notwithstanding the practitioner's present ability to make an electronic prescription as required by this Subsection, such practitioner reasonably determines that it would be impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner, and such delay would adversely impact the patient's medical condition

Proposed law adds a fine of \$250 per violation of violators of this provision. The fine shall not exceed \$1000.

Proposed law places the duty of enforcement of proposed law on the Louisiana Board of Medical Examiners, Louisiana Board of Pharmacy, and the Louisiana Board of Dentistry.

Proposed law allows the boards to establish rules to carry out proposed law.

(Adds R.S. 37:1701.1-1701.3)