

MANNER OF ISSUANCE OF A PRESCRIPTION

Rule 4729-5-30 [Update Effective 01/01/2009]

- (A) A prescription, to be valid, must be issued for a legitimate medical purpose by an individual prescriber acting in the usual course of his/her professional practice. The responsibility for the proper prescribing is upon the prescriber, but a corresponding responsibility rests with the pharmacist who dispenses the prescription. An order purporting to be a prescription issued not in the usual course of bona fide treatment of a patient is not a prescription and the person knowingly dispensing such a purported prescription, as well as the person issuing it, shall be subject to the penalties of law.
- (B) All prescriptions issued by a prescriber shall:
- (1) Be dated as of and on the day when issued.
 - (2) Contain the manually printed, typewritten, or preprinted full name, professional title, and address of the prescriber.
 - (3) Indicate a telephone number where the prescriber can be personally contacted during normal business hours.
 - (4) Indicate the full name and address of the patient.
 - (5) Indicate the drug name and strength.
 - (6) Indicate the quantity to dispense.
 - (7) Indicate the appropriate and explicit directions for use.
 - (8) Specify the number of times or the period of time for which the prescription may be refilled. If no such authorization is given, the prescription may not be refilled except in accordance with section 4729.281 of the Revised Code. A prescription marked "Refill P.R.N." or some similar designation is not considered a valid refill authorization.
 - (9) Not authorize any refills for schedule II controlled substances.
 - (10) Authorize refills for schedules III and IV controlled substances only as permitted by section 3719.05 of the Revised Code.
 - (11) Not authorize a refill beyond one year from the date of issuance for schedule V controlled substances and for dangerous drugs that are not controlled substances.
 - (12) Identify the trade name or generic name of the drug(s) in a compounded prescription.
 - (13) Not be coded in such a manner that it cannot be dispensed by any pharmacy of the patient's choice.
 - (14) For prescriptions issued to a patient by a prescriber, be:
 - (a) Manually signed on the day issued by the prescriber in the same manner as he/she would sign a check or legal document.
 - (b) Issued in compliance with rule 4729-5-13 of the Administrative Code.

- (15) For a controlled substance, indicate the drug enforcement administration registration number of the prescriber pursuant to Title 21 CFR 1306.05 (enacted on June 23, 2005).
 - (16) If issued by a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with prescriptive authority, contain the nurse's prescriber number found on the certificate to prescribe issued by the state board of nursing pursuant to rule 4723-9-09 of the Administrative Code.
 - (17) If issued by a physician assistant with prescriptive authority, contain the certificate number of the physician assistant's certificate to prescribe pursuant to rule 4730-2-07 of the Administrative Code.
 - (18) Be issued in compliance with all applicable federal and state laws, rules, and regulations.
- (C) When forms are used that create multiple copies of a prescription issued to a patient by a prescriber, the original prescription that bears the actual signature of the prescriber must be issued to the patient for dispensing by a pharmacist.
- (D) Oral transmission by the prescriber or the prescriber's agent of original prescriptions and refills authorized by a prescriber, pursuant to the requirements of this rule, may be transmitted by telephone only to:
- (1) A pharmacist.
 - (2) A recording device within the pharmacy if the pharmacist is unavailable. The pharmacist must remove the prescription from the recorder and reduce it to writing. The pharmacist is responsible for assuring the validity of the prescription removed from the recorder.
 - (3) A licensed pharmacy intern if the pharmacist on duty who is supervising the activity of the intern determines that the intern is competent to receive telephone prescriptions.

The prescriber's agent must provide his/her full name when transmitting an oral prescription.

- (E) Original written prescriptions authorized and signed by a prescriber may be transmitted by the prescriber or the prescriber's agent by facsimile machine to a pharmacy pursuant to the following:
- (1) The facsimile of the prescription must include the full name of the prescriber and if applicable the full name of the prescriber's agent transmitting the prescription to the pharmacy.
 - (2) The original prescription signed by the prescriber from which the facsimile is produced shall not be issued to the patient. The original prescription signed by the prescriber must remain with the patient's records at the prescriber's office or the institutional facility where it was issued.
 - (3) Prescriptions for schedule II controlled substances may not be transmitted by facsimile except for:
 - (a) A resident of a long term care facility pursuant to rule 4729-17-09 of the Administrative Code.
 - (b) A narcotic substance issued for a patient enrolled in a hospice. The original prescription must indicate that the patient is a hospice patient. The facsimile transmission must also meet the other requirements of this rule.

- (c) A compounded sterile product prescription for a narcotic substance pursuant to rule 4729-19-02 of the Administrative Code.
 - (4) A facsimile of a prescription received by a pharmacy in any manner other than transmission directly from the prescriber or the prescriber's agent shall not be considered a valid prescription.
 - (5) The facsimile of the prescription must include header information identifying the origin of the facsimile.
- (F) A prescription may be transmitted by means of a board approved electronic prescription transmission system provided that:
- (1) The system requires positive identification of the prescriber as defined in rule 4729-5-01 of the Administrative Code and the full name of any authorized agent of the prescriber who transmits the prescription.
 - (2) The computer data is retained for a period of three years at the prescriber's office.
- (G) Pursuant to section 4729.38 of the Revised Code if a prescriber does not want a pharmacist to select a generically equivalent drug the prescriber must handwrite "dispense as written" or "DAW" on the prescription, or if ordering electronically or orally the prescriber specifies that the prescribed drug is medically necessary.

=\=\==/=/=