

CHAPTER 8
MINIMUM STANDARDS FOR THE
PRACTICE OF PHARMACY

[Prior to 2/10/88, see Pharmacy Examiners[620] Ch 6]

657—8.1(155A) Authorized person. For the purpose of Iowa Code section 147.107, the pharmacist maintains responsibility for any and all delegated functions. The following judgmental functions may be delegated to pharmacist-interns:

8.1(1) Verification of the accuracy, validity, and appropriateness of the filled prescription or medication order.

8.1(2) Review and assessment of patient records for purposes identified in rule 657—8.19(155A).

8.1(3) Patient counseling.

This rule is intended to implement Iowa Code sections 147.107, 155A.6, 155A.12, 155A.13, 155A.15, and 155A.33.

657—8.2(124,155A) Prescription information and transfer.

8.2(1) *Prescription information.* All prescriptions shall be dated and assigned a unique identification number at the time of initial filling. The original prescription, whether transmitted orally or in writing, must be retained by the pharmacy filling the prescription. Refill documentation shall include date of refill and initials or other unique identification of the pharmacist.

8.2(2) *Transfer of prescription drug order information.* For the purpose of refill dispensing, the transfer of original prescription drug order information is permissible between pharmacies, subject to the following requirements:

a. The transfer of original prescription drug order information for controlled substances listed in Schedules III, IV, or V is permissible between pharmacies on a one-time basis except as provided in subrule 8.2(3).

b. The transfer of original prescription drug order information for noncontrolled prescription drugs is permissible between pharmacies without limitation up to the number of originally authorized refills.

c. The transfer is communicated directly between pharmacists or as authorized in subrule 8.2(3).

d. Both the original and the transferred prescription drug orders are maintained for a period of two years from the date of last refill.

e. The pharmacist transferring the prescription drug order information shall:

(1) Write the word “void” on the face of the invalidated prescription drug order;

(2) Record on the reverse of the invalidated prescription drug order the following information:

1. The name, address, and, if a controlled substance, the DEA registration number of the pharmacy to which such prescription is transferred;

2. The name of the pharmacist receiving the prescription drug order information;

3. The name of the pharmacist transferring the prescription drug order information; and

4. The date of the transfer.

- f.* The pharmacist receiving the transferred prescription drug order information shall:
- (1) Write the word “transfer” on the face of the transferred prescription drug order;
 - (2) Record on the transferred prescription drug order the following information:
 1. Original date of issuance and date of dispensing, if different from date of issuance;
 2. Original prescription number and the number of refills authorized on the original prescription drug order;
 3. Number of valid refills remaining, the date of last refill, and, if a controlled substance, the dates and location of all previous refills;
 4. Name, address, and, if a controlled substance, the DEA registration number of the pharmacy from which such prescription drug order information is transferred;
 5. Name of the pharmacist transferring the prescription drug order information; and
 6. If a controlled substance, the pharmacy name, address, DEA registration number, and prescription number from which the prescription was originally filled.
 - g.* The original prescription drug order shall be invalidated in the data processing system for purposes of filling or refilling, but shall be maintained in the data processing system for refill history purposes.
 - h.* If the data processing system has the capacity to store and retrieve all the information required in paragraphs “*e*” and “*f*” of this subrule, the pharmacist is not required to record this information on the original or transferred prescription drug order.
 - i.* The data processing system shall have a mechanism to prohibit the transfer or refilling of controlled substance prescription drug orders which have been previously transferred.
- 8.2(3) *Electronic transfer of prescription drug order information between pharmacies.*** Pharmacies electronically accessing the same prescription drug order records via a real-time, on-line database may electronically transfer prescription information, including controlled substance prescription information, up to the maximum refills permitted by law and the prescriber’s authorization, if the following requirements are met.
- a.* The data processing system shall have a mechanism to send a message to the transferring pharmacy containing the following information:
 - (1) The fact that the prescription drug order was transferred;
 - (2) The unique identification number of the prescription drug order transferred;
 - (3) The name, address, and DEA registration number of the pharmacy to which it was transferred and the name of the pharmacist receiving the prescription information; and
 - (4) The date and time of transfer.
 - b.* A pharmacist in the transferring pharmacy shall review the message and document the review by signing and dating a hard copy of the message or logbook containing the information required on the message as soon as practical, but in no event more than 72 hours from the time of such transfer.
 - c.* For transfers of controlled substance prescriptions, all information requirements included in subrule 8.2(2) shall be satisfied in the electronic system.

657—8.3(126) Prepackaging.

8.3(1) *Control record.* Pharmacies may prepackage and label drugs in convenient quantities for subsequent prescription labeling and dispensing. Such drugs shall be prepackaged by or under the direct supervision of a pharmacist. The supervising pharmacist shall prepare and maintain a packaging control record containing the following information:

- a.* Date.
- b.* Identification of drug.
 - (1) Name.
 - (2) Dosage form.
 - (3) Manufacturer.
 - (4) Manufacturer’s lot number.
 - (5) Strength.
 - (6) Expiration date (if any).

- c. Container specification.
- d. Copy of a sample label.
- e. Initials of the packager.
- f. Initials of the supervising pharmacist.
- g. Quantity per container.
- h. Internal control number or date.

8.3(2) Label information. Each prepackaged container shall bear a label containing the following information:

- a. Name.
- b. Strength.
- c. Internal control number or date.
- d. Expiration date (if any).
- e. Auxiliary labels, as needed.

657—8.4(155A) Pharmacist identification and notification.

8.4(1) Display of pharmacist license. Each pharmacist, during any period the pharmacist is working in a pharmacy, shall display an original license to practice pharmacy in a position visible to the public. A current license renewal certificate, which certificate may be a photocopy of an original renewal certificate, shall be displayed with the original license.

8.4(2) Pharmacist temporary absence. In the case of the temporary absence of the pharmacist, hospital pharmacies excepted, the pharmacy shall notify the public that the pharmacist is temporarily absent and that no prescriptions will be dispensed until the pharmacist returns.

8.4(3) Identification codes. A permanent log of the initials or identification codes which will identify each dispensing pharmacist by name shall be maintained and available for inspection and copying by the board or its representative. The initials or identification code shall be unique to ensure that each pharmacist can be identified. Identical initials or identification codes shall not be used.

8.4(4) Nonpermanent employee pharmacists. The pharmacy shall maintain a log of all licensed pharmacists who have worked at that pharmacy and who are not regularly employed at that pharmacy. Such log shall be available for inspection and copying by the board or its representative.

This rule is intended to implement Iowa Code section 155A.13.

657—8.5(147,155A) Unethical conduct or practice. The provisions of this rule apply to licensed pharmacies, licensed pharmacists and registered pharmacist-interns.

8.5(1) Misrepresentative deeds. A pharmacist shall not make any statement tending to deceive, misrepresent, or mislead anyone, or be a party to or an accessory to any fraudulent or deceitful practice or transaction in pharmacy or in the operation or conduct of a pharmacy.

8.5(2) *Undue influence.*

a. A pharmacist shall not accept professional employment or share or receive compensation in any form arising out of, or incidental to, the pharmacist's professional activities from a prescriber of prescription drugs or any other person or corporation in which one or more such prescribers have a proprietary or beneficial interest sufficient to permit them to directly or indirectly exercise supervision or control over the pharmacist in the pharmacist's professional responsibilities and duties or over the pharmacy wherein the pharmacist practices.

b. The prohibition in paragraph "a" shall not apply until April 23, 2006, to a pharmacist who is working at a prescriber-owned pharmacy location licensed as of April 23, 1981.

c. A prescriber may employ a pharmacist to provide nondispensing, drug information, or other cognitive services.

8.5(3) *Excessive rental fees.* A pharmacist shall not lease space for a pharmacy from a prescriber of prescription drugs or a group, corporation, association, or organization of such prescribers or in which prescribers have majority control or have directly or indirectly a majority beneficial or proprietary interest on a percentage of income basis. A pharmacist shall not pay rent for space which rent is not reasonable according to commonly accepted standards of the community.

8.5(4) *Nonconformance with law.* A pharmacist shall not knowingly serve in a pharmacy which is not operated in conformance with law, or which engages in any practice which if engaged in by a pharmacist would be unethical conduct.

8.5(5) *Confidentiality.* In the absence of express consent from the patient or order or direction of a court, except where the best interests of the patient require, a pharmacist shall not divulge or reveal to any person other than the patient or the patient's authorized representative, the prescriber or other licensed practitioner then caring for the patient, another licensed pharmacist, or a person duly authorized by law to receive such information, the contents of any prescription or the therapeutic effect thereof or the nature of professional pharmaceutical services rendered to a patient; the nature, extent, or degree of illness suffered by any patient; or any medical information furnished by the prescriber. This shall not prevent pharmacists from doing any of the following: transferring a prescription to another pharmacy, providing a copy of a nonrefillable prescription to the person for whom the prescription was issued which is marked "For Information Purposes Only," providing drug therapy information to physicians for their patients, or providing information to the board or its representative.

8.5(6) *Freedom of choice/solicitation/kickbacks/fee-splitting and imprinted prescription blanks or forms.* A pharmacist or pharmacy shall not enter into any agreement which negates a patient's freedom of choice of pharmacy services. A pharmacist shall not participate in agreements or arrangements with any person, corporation, partnership, association, firm, or others involving premiums, "kickbacks," fee-splitting, or special charges in exchange for recommending, promoting, accepting, or promising to accept the professional pharmaceutical services of any pharmacist or pharmacy as compensation or inducement for placement of business or solicitation of patronage with any pharmacist or pharmacy. "Kickbacks" include, but are not limited to, medication carts, facsimile machines, any other equipment, or preprinted forms or supplies for the exclusive use of the registrant. A pharmacist shall not provide, cause to be provided, or offer to provide to any person authorized to prescribe, prescription blanks or forms bearing the pharmacist's or pharmacy's name, address, or other means of identification.

8.5(7) *Discrimination.* It is unethical to unlawfully discriminate between patients or groups of patients for reasons of religion, race, creed, color, sex, age, national origin, or disease state when providing pharmaceutical services.

8.5(8) *Claims of professional superiority.* A pharmacist shall not make a claim, assertion, or inference of professional superiority in the practice of pharmacy which cannot be substantiated, nor claim an unusual, unsubstantiated capacity to supply a drug or professional service to the community.

8.5(9) *Unprofessional conduct or behavior.* A pharmacist shall not exhibit unprofessional behavior in connection with the practice of pharmacy or refuse to provide reasonable information or answer reasonable questions for the benefit of the patient. Unprofessional behavior shall include, but is not limited to, the following acts: verbal abuse, coercion, intimidation, harassment, sexual advances, threats, degradation of character, indecent or obscene conduct, and theft.

8.5(10) *Coupons.* Rescinded IAB 1/3/96, effective 1/1/96.

This rule is intended to implement Iowa Code sections 147.3, 147.55, 147.74, 155A.4, 155A.6, 155A.12, 155A.15, 155A.20, and 155A.23.

657—8.6(155A,126) Advertising. Prescription drug price and nonprice information may be provided to the public by a pharmacy so long as it is not false or misleading and not in violation of any federal or state laws applicable to the advertisement of such articles generally and if all of the following conditions are met:

1. All charges for services to the consumer must be stated.
2. The effective dates for the prices listed shall be stated.
3. No reference shall be made to controlled substances listed in Schedules II through V of the latest revision of the Iowa uniform controlled substances Act and the rules of the Iowa board of pharmacy examiners.

This rule is intended to implement Iowa Code sections 126.16, 147.55, 155A.12, 155A.13 and 155A.15.