124.308 Prescriptions.

1. Except when dispensed directly by a practitioner to an ultimate user, a prescription drug as defined in section 155A.3 that is a controlled substance shall not be dispensed without a prescription, unless such prescription is authorized by a practitioner and complies with this section, section 155A.27, applicable federal law and regulation, and rules of the board.

2. *a.* Beginning January 1, 2020, every prescription issued for a controlled substance shall be transmitted electronically as an electronic prescription pursuant to the requirements in subsection 2, paragraph "*b*", unless exempt under subsection 2, paragraph "*c*".

b. Except for prescriptions identified in paragraph "*c*", a prescription that is transmitted pursuant to paragraph "*a*" shall be transmitted to a pharmacy by a practitioner or the practitioner's authorized agent in compliance with federal law and regulation for electronic prescriptions of controlled substances. The practitioner's electronic prescription system and the receiving pharmacy's dispensing system shall comply with federal law and regulation for electronic prescriptions of controlled substances.

c. Paragraph "*b*" shall not apply to any of the following:

(1) A prescription for a patient residing in a nursing home, long-term care facility, correctional facility, or jail.

(2) A prescription authorized by a licensed veterinarian.

(3) A prescription dispensed by a department of veterans affairs pharmacy.

(4) A prescription requiring information that makes electronic submission impractical, such as complicated or lengthy directions for use or attachments.

(5) A prescription for a compounded preparation containing two or more components.

(6) A prescription issued in response to a public health emergency in a situation where a non-patient specific prescription would be permitted.

(7) A prescription issued pursuant to an established and valid collaborative practice agreement, standing order, or drug research protocol.

(8) A prescription issued during a temporary technical or electronic failure at the practitioner's or pharmacy's location, provided that a prescription issued pursuant to this subparagraph shall indicate on the prescription that the practitioner or pharmacy is experiencing a temporary technical or electronic failure.

(9) A prescription issued in an emergency situation pursuant to federal law and regulation rules of the board.

d. A practitioner, as defined in section 124.101, subsection 27, paragraph "*a*", who violates paragraph "*a*" is subject to an administrative penalty of two hundred fifty dollars per violation, up to a maximum of five thousand dollars per calendar year. The assessment of an administrative penalty pursuant to this paragraph by the appropriate licensing board of the practitioner alleged to have violated paragraph "*a*" shall not be considered a disciplinary action or reported as discipline. A practitioner may appeal the assessment of an administrative penalty pursuant to this paragraph, which shall initiate a contested case proceeding under chapter 17A. A penalty collected pursuant to this paragraph shall be deposited into the drug information program fund established pursuant to section 124.557. The board shall be notified of any administrative penalties assessed by the appropriate professional licensing board and deposited into the drug information program fund under this paragraph.

e. A pharmacist who receives a written, oral, or facsimile prescription shall not be required to verify that the prescription is subject to an exception under paragraph "*c*" and may dispense a prescription drug pursuant to an otherwise valid written, oral, or facsimile prescription. However, a pharmacist shall exercise professional judgment in identifying and reporting suspected violations of this section to the board or the appropriate professional licensing board of the practitioner.

3. A prescription issued prior to January 1, 2020, or a prescription that is exempt from the electronic prescription requirement in subsection 2, paragraph "*c*", may be transmitted by a practitioner or the practitioner's authorized agent to a pharmacy in any of the following ways:

a. Electronically, if transmitted in accordance with the requirements for electronic prescriptions pursuant to subsection 2.

b. By facsimile for a schedule III, IV, or V controlled substance, or for a schedule II controlled substance only pursuant to federal law and regulation and rules of the board.

c. Orally for a schedule III, IV, or V controlled substance, or for a schedule II controlled substance only in an emergency situation pursuant to federal regulation and rules of the board.

d. By providing an original signed prescription to a patient or a patient's authorized representative.

4. If permitted by federal law and in accordance with federal requirements, an electronic or facsimile prescription shall serve as the original signed prescription and the practitioner shall not provide a patient, a patient's authorized representative, or the dispensing pharmacy with a signed, written prescription. An original signed prescription shall be retained for a minimum of two years from the date of the latest dispensing or refill of the prescription.

5. A prescription for a schedule II controlled substance shall not be filled more than six months after the date of issuance. A prescription for a schedule II controlled substance shall not be refilled.

6. A prescription for a schedule III, IV, or V controlled substance shall not be filled or refilled more than six months after the date on which the prescription was issued or be refilled more than five times.

7. A controlled substance shall not be distributed or dispensed other than for a medical purpose.

8. A practitioner, medical group, or pharmacy that is unable to timely comply with the electronic prescribing requirements in subsection 2, paragraph *"b"*, may petition the board for an exemption from the requirements based upon economic hardship, technical limitations that the practitioner, medical group, or pharmacy cannot control, or other exceptional circumstances. The board shall adopt rules establishing the form and specific information to be included in a request for an exemption and the specific criteria to be considered by the board in determining whether to approve a request for an exemption. The board may approve an exemption for a period of time determined by the board not to exceed one year from the date of approval, and may be renewed annually upon request subject to board approval.

[C39, §**3169.06;** C46, 50, 54, 58, 62, 66, §204.6; C71, §204.6, 204A.7; C73, 75, 77, 79, 81, §204.308]

87 Acts, ch 215, §44

C93, §124.308

2004 Acts, ch 1036, §2, 3; 2005 Acts, ch 3, §29; 2007 Acts, ch 8, §17; 2018 Acts, ch 1138, §10

Referred to in §124.402, 155A.29

See §147.107, 205.3

Section stricken and rewritten