

**6800.3120 TRANSFER OF PRESCRIPTIONS BETWEEN PHARMACIES.**

Subpart 1. **Label, copy, or report.** A prescription label, a written copy of the prescription, or a telephone report of a prescription from another pharmacy may be used for informational purposes only and has no legal status as a valid prescription drug order. A pharmacist who receives a label, copy, or report of a prescription from another pharmacist shall either contact the prescribing practitioner for authorization to dispense the prescription or shall comply with subparts 2 to 6.

Subp. 2. **Conditions of transfer.** A pharmacy may transfer prescription drug order information for the purpose of refilling a prescription if the information is communicated directly by one licensed pharmacist or registered intern to another licensed pharmacist or registered intern. A pharmacy may transfer prescription drug order information for the purpose of the initial filling of the order only according to subpart 8a. Schedule II prescription drug orders may not be transferred. Schedules III-V prescription drug orders may be transferred in accordance with the limitations placed on such transfers by the Drug Enforcement Administration (DEA).

Subp. 3. **Duties of transferring pharmacist or intern.** The transferring pharmacist or intern shall:

A. write the word "VOID" across the face of the current prescription drug order to make it invalid or, if records are electronically maintained, void all remaining refills previously authorized and carried in the electronic record;

B. record on the reverse side of the invalidated prescription drug order or in the electronically maintained record of the prescription drug order the name, address, and telephone number of the receiving pharmacy and the name of the receiving pharmacist or intern; and

C. record the date of the transfer.

Recording of prescription drug order transfers by cancellation of the electronic version of the prescription drug order is acceptable only when the quality assurance check required by part 6800.3950, subpart 4, has been completed on the prescription drug order being transferred.

For controlled substances in Schedules III-V, parts 6800.4230 to 6800.4250, the transferring pharmacist or intern shall also record on the reverse side of the invalidated prescription drug order or in the electronically maintained record of the prescription drug order, the Drug Enforcement Administration registration number of the receiving pharmacy and the names of the receiving and transferring pharmacists or interns.

Subp. 4. **Duties of receiving pharmacist or intern.** The pharmacist or intern receiving the transferred prescription drug order information shall write the word "transfer," "copy," or a word of similar import on the face of the transferred prescription, and shall

obtain from the transferring pharmacist or intern all information required by law to be on a prescription, plus:

- A. the date of issuance and of filling of the original prescription;
- B. the original number of refills authorized;
- C. the number of valid refills remaining;
- D. the date of last refill from original prescription;
- E. the original prescription number from which the prescription information was transferred; and

F. the transferring pharmacy's name, address, and telephone number and the name of the transferring pharmacist or intern. In the case of a controlled substance listed in Schedules III-V, parts 6800.4230 to 6800.4250, the receiving pharmacist or intern must obtain the transferring pharmacy's Drug Enforcement Administration registration number.

Subp. 5. **Retention of prescription.** The transferring pharmacy shall keep the original prescription drug order on file for at least two years from the date of last filling. The receiving pharmacy shall keep the transferred prescription drug order on file for at least two years from the date of last filling.

Subp. 6. **Notice to patient of prescription invalidation.** The pharmacist conferring with the patient at the time of the transfer request shall inform the patient that the original prescription has been invalidated at the pharmacy from which it was obtained.

Subp. 7. **Computerized prescription record keeping system.** A computerized prescription record keeping system must satisfy all the requirements of subparts 2 to 6 including invalidation of the original prescription drug order. Pharmacies accessing a common electronic file or data base used to maintain required dispensing information are not required to transfer prescription drug orders or information for dispensing purposes between or among pharmacies participating in the same common prescription file or data base; provided, however, that any such common file or database must contain complete records of each prescription drug order and refill dispensed and further, that a hard copy record of each prescription drug order transferred or accessed for purposes of refilling must be generated and maintained at the pharmacy refilling the prescription or to which the prescription has been transferred.

Subp. 8. **Transfer of prescription drug order.** Except as provided in subpart 7, when the transfer of original prescription drug order information is initiated by the receipt of a prescription container previously filled at another pharmacy, the receiving pharmacist shall notify the transferring pharmacist that the prescription is being transferred. All information required by subparts 2 to 6 must be exchanged.

Subp. 8a. **Transfer of nondispensed drug orders.** Prescription drug orders that are entered into a computer system but never dispensed to the patient may be transferred to another pharmacy if all of the following conditions are met:

A. all prescription drug order information has been entered into the computer system of the transferring pharmacy;

B. the information is displayed on the patient's profile in a manner that indicates the prescription drug order was not filled at the transferring pharmacy;

C. there is present, either in the computer system or on the hard copy prescription drug order, the unique identifier of the person who entered the prescription drug order information into the system and of the pharmacist who certified this entry, and of the pharmacist who performed the quality assurance verification as required by part 6800.3950, subpart 4. If the quality assurance verification has not occurred, then the prescription information exchanged must be from the original written prescription drug order;

D. the original prescription drug order is kept on record according to Minnesota Statutes, section 151.211; and

E. all other requirements of this part are met.

Subp. 9. **Unprofessional conduct.** The board shall consider it evidence of unprofessional conduct to reveal to others the nature of professional pharmaceutical services rendered to a patient without the express oral or written consent of the patient or without an order or direction of a court. A pharmacist or a pharmacist-intern may provide informational copies of a prescription drug order to another pharmacist or pharmacist-intern who is currently providing services to or acting at the request of the patient, as provided in this part; or to the person for whom the prescription drug order was issued. A pharmacist may also provide drug therapy information to a physician or other licensed, registered, or certified health care professional who is currently providing services to or acting on the behalf of the patient.

The board shall consider it evidence of unprofessional conduct for a pharmacist to refuse to provide a transfer of original prescription drug order information to another pharmacist who is acting on behalf of a patient and who is making a legal request for this information under this part.

Subp. 10. **Schedule II controlled substances.** Nothing in this part authorizes the transfer of a prescription drug order for a Schedule II controlled substance. All prescription drug orders for Schedule II controlled substances must conform to the requirements of the federal Controlled Substances Act and to the regulations of the Drug Enforcement Administration.

Subp. 11. **Shared information.** Prescription drug order information shared between two pharmacies which are accessing the same real-time, online database, according to

the operation of a board-approved central service operation shall not be considered a prescription copy and is not subject to the requirements of this part.

**Statutory Authority:** *MS s 151.06; 151.102; 152.02*

**History:** *10 SR 2007; 18 SR 1145; 23 SR 1597; 31 SR 1673; 36 SR 237*

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