

**ARTICLE XII            PRESCRIPTION/ORDER REQUIRED AND REFILL  
AUTHORIZATION/RECORDKEEPING**

1. Prescription drugs shall be dispensed only pursuant to a valid prescription or a valid order. A pharmacist shall not dispense a prescription which the pharmacist knows or should know is not a valid prescription. A Prescription Drug Order, to be effective, must be issued for a legitimate medical purpose by a Practitioner acting within the course of legitimate professional practice.

A Prescription Drug Order shall contain the following information at a minimum:

- (1) full name and street address (if required by law) of the patient;
- (2) name, address, and, if required by law or rules of the Board, DEA registration number of the prescribing Practitioner;
- (3) date of issuance;
- (4) name, strength, dosage form, and quantity of Drug prescribed;
- (5) directions for use;
- (6) refills authorized, if any;
- (7) if a written Prescription Drug Order, prescribing Practitioner's signature;
- (8) if an electronically transmitted Prescription Drug Order, prescribing Practitioner's electronic or digital signature;

2. A Prescription Drug Order must be communicated directly to a Pharmacist, or when recorded, in such a way that the Pharmacist may review the Prescription Drug Order as transmitted. A prescription/order may be accepted by a pharmacist in written form, orally, or electronically unless the order is for a Schedule II controlled substance (refer to ARTICLE XIX) of these regulations. Electronically transmitted prescription drug orders shall meet the following requirements:

A Electronically transmitted prescription drug orders shall meet the following criteria:

- (1) be transmitted only to the pharmacy of the patient's choice; and
- (2) be transmitted by an authorized Practitioner or his or her designated agent provided that the identity of the transmitting agent is included in the order; and

B. Prescription drug orders transmitted by facsimile or computer shall include:

- (1) The complete name, address, and DEA Registration Number of the practitioner if required;
- (2) The transmitters telephone number or any other suitable means to contact the transmitter for verbal and/or written confirmation;
- (3) The name, address, and age of the patient;
- (4) The time and date of the transmission; and,
- (5) The full name of the person transmitting the order; and
- (6) The identity of the Pharmacy intended to receive the transmission, as well as any other information required by federal or state law.

- C. An electronically transmitted drug order which meets the requirements of this ARTICLE shall be deemed the original order.
  - D. The pharmacist shall exercise professional judgment regarding the accuracy, validity, and authenticity of the transmitted prescription drug order consistent with federal or state laws and rules and regulations adopted pursuant to the same.
  - E. An electronically transmitted prescription/order from a prescriber to a pharmacist shall be considered a highly confidential transaction and the said transmission shall not be compromised by interventions, control, change, altering or manipulation by any other person or parties in any manner whatsoever.
  - F. Any pharmacist that transmits, receives or maintains any prescription or prescription refill either orally, in writing or electronically shall ensure the security, integrity and confidentiality of the prescription and any information contained therein.
  - G. To maintain the confidentiality of patient and prescriber records, a computer system shall have security and system safeguards designed to prevent and detect unauthorized access, modification or manipulation of patient records. Once the drug has been dispensed, any alterations in prescription drug order data shall be documented to include the identification of the individual responsible for the alteration.
  - H. Electronic transmission of prescription orders for controlled substances must comply with DEA Regulations.
3. Pharmacists must maintain complete and accurate records of all prescription drugs received, disposed of, or dispensed at a permitted facility.
4. A prescription may not be refilled without authorization. When refills are dispensed pursuant to authorization contained on the original prescription or when no refills are authorized on the original prescription but refills are subsequently authorized by the prescriber, the refill authorization shall be recorded on the original prescription document and the record of any refill made shall be maintained on the back of the original prescription document or on some other uniformly maintained record and the dispensing pharmacist shall record the date of the refill, the quantity of the drug dispensed and his/her initials; however, an original prescription for a controlled substance which contains no refill information may not be authorized to be refilled more than five (5) times or after six (6) months from the date of issuance. Authorization for any additional refill of a controlled substance prescription in excess of those refills originally authorized or after six (6) months from the date of issuance of the prescription shall be treated as a new prescription.
5. When filling a prescription or refilling a prescription which may be refilled, the pharmacist shall exercise professional judgment in the matter. Except as provided below, no prescription shall be filled or refilled with greater frequency than the approximate interval of time that the dosage regimen ordered by the prescriber would indicate, unless extenuating circumstances are documented which would justify a shorter interval of time before the filling or refilling of the prescription. For non-controlled maintenance medications only, a pharmacist, exercising his/her professional judgment, may dispense

additional dosage units authorized by the prescriber on the original prescription including refills.

6. The pharmacist who fills or refills a prescription shall record the date of the dispensing and indicate his/her identity as the dispensing pharmacist on the prescription document or some other appropriate and uniformly maintained record. If this record is maintained on the original prescription document, the original dispensing and any refills must be recorded on the back of the prescription.
7. A prescription shall not be refilled after twelve (12) months from the date of issuance.
8. A prescription becomes invalid thirty (30) days after the prescriber/patient relationship is terminated. When the patient is no longer able to seek personal consultation or treatment from the prescriber the prescriber/patient relationship is terminated.
9. A written prescription document prepared by the prescriber or his agent must bear an original signature of the prescriber, facsimile stamps are not acceptable. When an oral prescription or the oral authorization for the refilling of a prescription is received which is transmitted by someone other than the prescriber, the name of the transmitter and the date of the transmission must be recorded on the original prescription document by the pharmacist receiving the transmission.
10. A pharmacist licensed by the Mississippi Board of Pharmacy may dispense a one-time emergency dispensing of a prescription of up to a seventy-two (72) hour supply of a prescribed medication in the event the pharmacist is unable to contact the prescriber to obtain refill authorization, provided that;
  - A The prescription is not for a controlled substance;
  - B In the pharmacist's professional judgment, the interruption of therapy might reasonably produce undesirable health consequences or may cause physical or mental discomfort;
  - C The dispensing pharmacist notifies the prescriber or his agent of the emergency dispensing within seven (7) working days after the one-time emergency dispensing;
  - D The pharmacist properly records the dispensing as a separate non-refillable prescription. Said document shall be filed as is required of all other prescription records. This document shall be serially numbered and contain all information required of other prescriptions. In addition, it shall contain the number of the prescription from which it was refilled; and
  - E The pharmacist shall record on the new document the circumstances which warrant this emergency dispensing.

This emergency dispensing shall be done only in the permitted facility which contains the non-refillable prescription.