

1 **Louisiana Administrative Code**

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3 **Title 46 – Professional and Occupational Standards**

4
5 **Part LIII: Pharmacists**

6
7 **Chapter 25. Prescriptions, Drugs, and Devices**

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9 **§2525. Prescription Expiration**

- 10 A. A prescription for a drug other than a controlled dangerous substance shall expire one year after the
11 date written.
- 12 B. A prescription for a controlled dangerous substance shall expire:
- 13 1. 90 days after the date of issue if the drug is listed in Schedule II; or
- 14 2. 6 months after the date of issue if the drug is listed in Schedule III, IV, or V.
- 15 C. Expired prescriptions shall not be refillable or renewable.

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17 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

18 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708
19 (October 1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004,
20 amended by the Department of Health, Board of Pharmacy, LR 42:1090 (July 2016).

21
22 **Chapter 27. Controlled Dangerous Substances**

23
24 **§2745. Prescriptions**

25 A. – F. ...

26 G. Controlled Substances Listed in Schedules III, IV, and V

27 1. ...

28 2. Expiration Date of Prescriptions

29 A prescription for a controlled substance listed in Schedule III, IV, or V shall expire six months after the
30 date of issue, or following the acquisition of the number of refills authorized by the prescriber on the
31 original prescription, whichever shall first occur. No pharmacist shall dispense any controlled substance
32 pursuant to an expired prescription.

33 3. Refilling of Prescriptions

34 The prescriber may authorize the refilling of a prescription for a controlled substance listed in Schedule
35 III, IV, or V by including specific refill instructions on the prescription prior to its issuance. The maximum
36 number of refills the prescriber may authorize is five (5). In the absence of a specific refill instruction on
37 the original prescription from the prescriber, the prescription shall not be refilled.

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39 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

40 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2149
41 (October 2008), amended LR 41:685 (April 2015), amended by the Department of Health, Board of Pharmacy, LR
42 42:1090 (July 2016).

43
44 **§2747. Dispensing Requirements**

45 A. – B. ...

46 C. Prescriptions for Controlled Substances Listed in Schedule III, IV, or V

47 1. Oral Prescriptions

48 Upon the receipt of an oral prescription from a prescriber or his agent, the pharmacist shall immediately
49 reduce the prescription information to written form. The pharmacist may then dispense the prescription
50 and file the written record in his prescription files.

51 2. Prescriptions Received by Facsimile Equipment

52 a. The facsimile equipment designated for the receipt of prescriptions shall be located within a

- 53 prescription department in a pharmacy. The paper or other media used in the facsimile equipment
54 designated for the receipt of prescriptions shall be non-fading and technically capable of providing a
55 legible prescription.
- 56 b. The facsimile may serve as the original prescription form. After dispensing the prescription, the
57 pharmacist shall file the facsimile prescription form in his prescription files.
- 58 c. In the event the facsimile transmission does not clearly identify the prescriber's office or other
59 authorized location as the point of origin of the transmission, the pharmacist shall verify the
60 authenticity of the prescription prior to dispensing the controlled substance.
- 61 3. Expiration Date
- 62 A pharmacist shall not dispense a prescription for a controlled substance listed in Schedule III, IV, or V
63 more than six months after the date of issue. Further, when the number of refills authorized by the
64 prescribing practitioner on the original prescription form have been dispensed, the prescription has expired;
65 the pharmacist shall not dispense any further medication pursuant to that expired prescription.
- 66 4. Refilling of Prescriptions
- 67 a. No prescription for a controlled substance listed in Schedule III, IV, or V shall be filled or refilled more
68 than six months after the date on which such prescription was issued and no such prescription
69 authorized to be refilled may be refilled more than five times.
- 70 b. Each refilling of a prescription shall be entered on the back of the prescription or on another
71 appropriate document. If entered on another document, such as a medication record, the document
72 shall be uniformly maintained and readily retrievable. The following information shall be retrievable
73 by the prescription number: name and dosage form of the controlled substance, the date filled or
74 refilled, the quantity dispensed, initials of the dispensing pharmacist for each refill, and the total
75 number of refills for that prescription. If the pharmacist merely initials and dates the back of the
76 prescription, it shall be deemed that the full face amount of the prescription has been dispensed.
- 77 c. As an alternative to the procedures described in Subparagraph C.4.b of this Section, an automated data
78 processing system may be used for the storage and retrieval of refill information for prescription orders
79 for controlled substances in Schedule III, IV, and V, subject to the following conditions:
- 80 i. Any such proposed computerized system must provide on-line retrieval (via CRT display or hard-
81 copy printout) of original prescription order information for those prescription orders which are
82 currently authorized for refilling. This shall include, but is not limited to, data such as the original
83 prescription number, date of issuance of the original prescription order by the practitioner, full
84 name and address of the patient, name, address, and DEA registration number of the practitioner,
85 and the name, strength, dosage form, and quantity of the controlled substance prescribed (and
86 quantity dispensed if different from the quantity prescribed), and the total number of refills
87 authorized by the prescribing practitioner.
- 88 ii. Any such proposed computerized system must also provide on-line retrieval (via CRT display or
89 hard-copy printout) of the current refill history for Schedule III, IV, or V controlled substance
90 prescription orders (those authorized for refill during the past six months). This refill history shall
91 include, but is not limited to, the name of the controlled substance, the date of refill, the quantity
92 dispensed, the identification code, or name or initials of the dispensing pharmacist for each refill
93 and the total number of refills dispensed to date for that prescription order.
- 94 iii. Documentation of the fact that the refill information entered into the computer each time a
95 pharmacist refills an original prescription order for a Schedule III, IV, or V controlled substance is
96 correct must be provided by the individual pharmacist who makes use of such a system. If such a
97 system provides a hard-copy printout of each day's controlled substance orders refill data, that
98 printout shall be verified, dated, and signed by the individual pharmacist who refilled such a
99 prescription order. The individual pharmacist shall verify that the data indicated is correct and then
100 sign this document. This document shall be maintained in a separate file at that pharmacy for a
101 period of two years from the dispensing date. This printout of the day's controlled substance
102 prescription order refill data shall be provided to each pharmacy using such a computerized system
103 within 72 hours of the date on which the refill was dispensed. The printout shall be verified and
104 signed by each pharmacist who is involved with such dispensing. In lieu of such a printout, the
105 pharmacy shall maintain a bound logbook, or separate file, in which each individual pharmacist
106 involved in such dispensing shall sign a statement (in the manner previously described) each day,

- 107 attesting to the fact that the refill information entered into the computer that day has been reviewed
108 by him and is correct as shown. Such a book or file shall be maintained at the pharmacy
109 employing such a system for a period of two years after the date of dispensing the appropriately
110 authorized refill.
- 111 iv. Any such computerized system shall have the capability of producing a printout of any refill data
112 which the user pharmacy is responsible for maintaining. For example, this would include a refill-
113 by-refill audit trail for any specified strength and dosage form of any controlled substance (by
114 either brand or generic name, or both). Such a printout shall include the name of the prescribing
115 practitioner, name and address of the patient, quantity dispensed on each refill, date of dispensing
116 for each refill, name or identification code of the dispensing pharmacist, and the prescription
117 number. In any computerized system employed by a user pharmacy, the central recordkeeping
118 location must be capable of sending the printout to the pharmacy within 48 hours. If the board or
119 an agent of the board requests a copy of such printout from the user pharmacy, the pharmacy shall
120 verify the printout transmittal capability of its system by documentation, e.g., postmark.
- 121 v. In the event that a pharmacy which employs such a computerized system experiences system
122 down-time, the pharmacy shall have an auxiliary procedure which will be used for documentation
123 of refills on prescriptions for controlled substances listed in Schedule III, IV, or V. This auxiliary
124 procedure shall insure that refills are authorized by the original prescription order, that the
125 maximum number of refills has not been exceeded, and that all of the appropriate data is retained
126 for on-line data entry as soon as the computer system is available for use again.
- 127 5. Partial Filling of Prescriptions
- 128 The partial filling of a prescription for a controlled substance listed in Schedule III, IV, or V is permissible,
129 provided that:
- 130 a. the information (and the manner in which it is recorded) for a partial filling is the same as that
131 required for a refill;
- 132 b. the number of partial fillings is not limited; however, the total quantity dispensed in all partial fillings
133 shall not exceed the total quantity authorized on the original prescription. The total quantity authorized
134 may be calculated as the sum of:
- 135 (i) the quantity prescribed, and
- 136 (ii) the calculated amount of the quantity prescribed times the number of refills originally authorized
137 by the prescriber; and
- 138 a. no dispensing shall occur more than six months after the date on which the prescription was issued.
- 139 6. Labeling of Medications and Filing of Prescriptions
- 140 a. The pharmacist dispensing a prescription for a controlled substance listed in Schedule III, IV, or V
141 shall affix to the package a dispensing label containing the following data elements:
- 142 i. name, address and telephone number of the pharmacy;
- 143 ii. prescription number;
- 144 iii. date of dispensing;
- 145 iv. prescribing practitioner's name;
- 146 v. patient's name;
- 147 vi. drug name and strength;
- 148 vii. directions for use;
- 149 viii. pharmacist's name or initials;
- 150 ix. for controlled substances listed in Schedules III or IV, the following warning statement:
151 *"Caution: Federal law prohibits the transfer of this drug to any person other than the patient for whom*
152 *it was prescribed"*, provided however, that this statement shall not be required to appear on the label of
153 a controlled substance dispensed for use in clinical investigations which are "blind."
- 154 x. other cautionary or auxiliary labels as applicable.
- 155 b. If the prescription is dispensed at a central fill pharmacy, the pharmacist at the central fill pharmacy
156 shall affix to the package a label showing the name and address of the retail pharmacy and a unique
157 identifier (i.e., the central fill pharmacy's DEA registration number) indicating the prescription was
158 filled at the central fill pharmacy, as well as the data elements itemized above in Subparagraph C.6.a of
159 this Section.
- 160 c. The requirements of Subparagraph C.6.a of this Section shall not apply when a controlled substance

- 161 listed in Schedule III, IV, or V is prescribed for administration to an ultimate user who is
162 institutionalized, provided that:
- 163 i. no more than a 34-day supply, or 100 dosage units, whichever is less, is dispensed at one time;
 - 164 ii. the medication is not in the possession of the ultimate user prior to the administration;
 - 165 iii. the institution maintains appropriate safeguards and records regarding the proper administration,
166 control, dispensing, and storage of controlled substances listed in Schedule III, IV, and V; and
 - 167 iv. the system employed by the pharmacist in filling a prescription is adequate to identify the
168 supplier, the product, and the patient, and to set forth the directions for use and cautionary
169 statements, if any, contained in the prescription or required by law.
- 170 d. After dispensing an original prescription for a controlled substance listed in Schedule III, IV, or V, the
171 pharmacist shall record his name or initials on the form.
- 172 e. All prescription forms shall be maintained in accordance with the requirements of §2731.B.7.
- 173 7. Transfer between Pharmacies of Prescription Information for Schedule III, IV, or V for Refill Purposes
- 174 a. The transfer of prescription information for a controlled substance listed in Schedule III, IV, or V for
175 the purpose of refill dispensing is permissible between pharmacies on a one time basis only. However,
176 pharmacies electronically sharing a real-time, on-line database may transfer up to the maximum refills
177 permitted by law and the prescriber's authorization, whether or not the pharmacy from which the
178 prescription is transferred is open for business. Transfers are subject to the following requirements.
- 179 i. The transfer is communicated directly between two licensed pharmacists and the transferring
180 pharmacist records the following information:
 - 181 (a) invalidation of the prescription;
 - 182 (b) on the reverse of the invalidated prescription, the name, address, and DEA registration
183 number of the pharmacy to which it was transferred, and the name of the pharmacist
184 receiving the prescription information; and
 - 185 (c) the date of the transfer and the name of the pharmacist transferring the information.
 - 186 ii. The pharmacist receiving the transferred prescription information shall reduce to writing the
187 following:
 - 188 (a) indication of the transferred nature of the prescription;
 - 189 (b) provide all information required for a prescription for a controlled substance (full name and
190 address of the patient; drug name, strength, and dosage form; quantity prescribed and
191 directions for use; and the name, address, telephone number, and DEA registration number
192 of the prescribing practitioner) and include:
 - 193 (i) date of issuance of original prescription;
 - 194 (ii) original number of refills authorized on original prescription;
 - 195 (iii) date of original dispensing;
 - 196 (iv) number of valid refills remaining and date(s) and locations of previous refill(s);
 - 197 (v) pharmacy's name, address, and DEA registration number and prescription number
198 from which the prescription information was transferred;
 - 199 (vi) name of pharmacist who transferred the prescription; and
 - 200 (vii) pharmacy's name, address, and DEA registration number and prescription number
201 from which the prescription was originally filled
 - 202 iii. The original and transferred prescription(s) shall be maintained for a period of two years from the
203 date of the last refill.
 - 204 iv. Pharmacies electronically accessing the same prescription record shall satisfy all information
205 requirements of a manual mode for prescription transferal.
- 206 8. Provision of Prescription Information between Retail Pharmacies and Central Fill Pharmacies
- 207 Prescription information may be provided to an authorized central fill pharmacy by a retail pharmacy for
208 dispensing purposes. The following requirements shall apply:
- 209 a. Prescriptions for controlled substances listed in Schedule III, IV, or V may be transmitted
210 electronically from a retail pharmacy to a central fill pharmacy, including via facsimile. The retail
211 pharmacy transmitting the prescription information shall:
 - 212 i. record the words "CENTRAL FILL" on the face of the original prescription and record the
213 name, address and DEA registration number of the central fill pharmacy to which the prescription
214 has been transmitted, the name of the retail pharmacy pharmacist transmitting the prescription,

- 215 and the date of transmittal;
- 216 ii. ensure that all information required to on a prescription pursuant to §2745.C is transmitted to the
- 217 central fill pharmacy (either on the face of the prescription or in the electronic transmission of
- 218 information);
- 219 iii. indicate in the information transmittal the number of refills already dispensed and the number of
- 220 refills remaining;
- 221 iv. maintain the original prescription for a period of two years from the date the prescription was
- 222 last refilled; and
- 223 v. keep a record of receipt of the filled prescription, including the date of receipt, the method of
- 224 delivery (private, common or contract carrier) and the name of the retail pharmacy employee
- 225 accepting delivery.
- 226 b. The central fill pharmacy receiving the transmitted prescription shall:
- 227 i. keep a copy of the prescription (if sent via facsimile) or an electronic record of all the information
- 228 transmitted by the retail pharmacy, including the name, address and DEA registration number of
- 229 the retail pharmacy transmitting the prescription;
- 230 ii. keep a record of the date of receipt of the transmitted prescription, the name of the pharmacist
- 231 dispensing the prescription, and the dates of filling or refilling of the prescription;
- 232 iii. keep a record of the date the dispensed prescription was delivered to the retail pharmacy and the
- 233 method of delivery (private, common or contract carrier).

234 D. Dispensing Controlled Substances without a Prescription

235 A controlled substance listed in Schedule II, III, IV, or V which is not a prescription drug as determined under

236 the Federal Food, Drug, and Cosmetic Act may be dispensed by a pharmacist without a prescription to a

237 purchaser at retail, provided that:

- 238 1. such dispensing is made only by a pharmacist, and not by a non-pharmacist employee even if under the
- 239 supervision of a pharmacist – although after the pharmacist has fulfilled his professional and legal
- 240 responsibilities, the actual cash, credit transaction, or delivery may be completed by a non-pharmacist;
- 241 2. not more than 240 milliliters, or 8 ounces, of any such controlled substance containing opium, nor more
- 242 than 120 milliliters, or 4 ounces, of any other such controlled substance, nor more than 48 dosage units of
- 243 any such controlled substance containing opium, nor more than 24 dosage units of any other such
- 244 controlled substance may be dispensed at retail to the same purchaser in any given 48-hour period;
- 245 3. the purchaser is at least 18 years of age;
- 246 4. the pharmacist requires every purchaser of a controlled substance under this Paragraph not known to him
- 247 to furnish suitable identification (including proof of age where appropriate);
- 248 5. a bound record book for dispensing of controlled substances under this Paragraph is maintained by the
- 249 pharmacist, which book shall contain the name and address of the purchaser, the name and quantity of
- 250 controlled substance purchased, the date of each purchase, and the name or initials of the pharmacist who
- 251 dispensed the controlled substance to the purchaser; further, this book shall be maintained in conformance
- 252 with the recordkeeping requirements identified in §2731.B.7;
- 253 6. a prescription is not required for dispensing of the controlled substance pursuant to any federal or state law;
- 254 7. central fill pharmacies may not dispense controlled substances to a purchaser at retail pursuant to this
- 255 Paragraph.

256 E. Professional Conduct

257 A license, registration, certification, permit, or any other credential deemed necessary to practice, or assist in the

258 practice of, pharmacy may be subject to discipline when deviating from primary or corresponding responsibility

259 to avert the following prohibited acts:

- 260 1. Primary Responsibility.
- 261 a. drug diversion – attempted, actual or conspired dispensing, distributing, administering, or
- 262 manufacturing of a controlled substance not pursuant to a valid prescription or order while acting in
- 263 the course of professional pharmacy practice is prohibited; or
- 264 b. possession – actual or conspired possession of a controlled substance not pursuant to a valid
- 265 prescription or order issued for a legitimate medical purpose by an authorized practitioner in the usual
- 266 course of professional practice.
- 267 2. Corresponding Responsibility.
- 268 a. Medical Purpose. The prescribing practitioner has the primary responsibility to issue a prescription for

- 269 a controlled substance for a legitimate medical purpose, but a corresponding responsibility rests with
270 the pharmacist or dispensing physician dispensing said prescription to ascertain that said prescription
271 was issued for a legitimate medical purpose in the usual course of professional practice.
272 b. Authenticity. A pharmacist or dispensing physician shall exercise sound professional judgment to
273 ascertain the validity of prescriptions for controlled substances. If, in the pharmacist's professional
274 judgment, a prescription is not valid, said prescription shall not be dispensed.
- 275 3. Forged Prescriptions. It is unlawful to forge a prescription, or to dispense a forged prescription, for a
276 controlled substance. The pharmacist or dispensing physician shall exercise professional diligence in
277 determining the validity of a prescription as to the practitioner's authority and/or patient's identity, in order
278 to prevent misrepresentation, fraud, deception, subterfuge, conspiracy, or diversion of controlled
279 substances.
- 280 4. Altered Prescriptions. It is unlawful to personally alter a prescription, or to dispense an altered
281 prescription, for a controlled substance, except as provided by §2747.B.4 of this Chapter.
- 282 F. Accountability
- 283 The pharmacist-in-charge, the owner of a pharmacy permit, and/or other designated responsible parties, shall be
284 accountable for shortages of controlled substances or inconsistencies indicated in an audit.

285
286 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

287 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2152
288 (October 2008), amended LR 41:685 (April 2015).
289