

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 25. Prescriptions, Drugs, and Devices

Subchapter B. Prescriptions

§2511. Prescriptions

- A. Definitions. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section:
 - Electronic Prescription* – a prescription transmitted in electronic form.
 - Practice Affiliation* – a practice relationship, collaboration, or practice under the supervision of a physician licensed to practice medicine.
 - Prescription or Prescription Drug Order* – an order from a practitioner authorized by law to prescribe for a drug or device that is patient specific and is communicated by any means to a pharmacist in a permitted pharmacy, and is to be preserved on file as required by law or regulation.
- B. Requirements. A prescription shall contain the following data elements:
 - 1. Prescriber’s name, licensure designation, address, telephone number, and if for a controlled substance, the Drug Enforcement Administration (DEA) registration number;
 - 2. Patient’s name, and if for a controlled substance, address;
 - 3. Date prescription issued by the prescriber;
 - 4. Name of drug or device, and if applicable, strength, and quantity to be dispensed;
 - 5. Directions for use;
 - 6. Signature of prescriber; and
 - 7. Refill instructions, if any. In the absence of refill instructions on the original prescription, the prescription shall not be refilled.
- C. Written Prescriptions. A written prescription shall conform to the following format:
 - 1. The prescription form shall be of a size not less than 4 inches by 5 inches, and shall bear a single printed signature line.
 - 2. The prescription form shall clearly indicate the authorized prescriber’s name, licensure designation, address, telephone number, and, if for a controlled substance, the Drug Enforcement Administration (DEA) registration number. In the event that multiple practitioners are identified on the prescription form, the authorizing prescriber’s specific identity shall be clear and unambiguous. This identification may be indicated by any means, including but not limited to, a marked check box next to, or circling, the authorizing prescriber’s printed name.
 - 3. No prescription form shall contain more than four prescription drug orders. Each prescription drug order on the form shall provide the following:
 - a. check box labeled “Dispense as Written”, or “DAW”, or both; and
 - b. the number of refills, if any.
 - 4. The prescription shall be written with ink or indelible pencil, typewriter, or printed on a computer printer and shall be manually signed by the practitioner on the date issued and in the same manner as he would sign a check or legal document (e.g., J. H. Smith or John H. Smith). Examples of invalid signatures include rubber stamps, signatures of anyone other than the prescriber, and computer generated signatures.
 - 5. Facsimile Prescription

1
2
3
4
5
6
7
8
9
...
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

- 52 a. The receiving facsimile machine of a prescription transmitted by facsimile shall be
53 located within the pharmacy department.
- 54 b. The prescription transmitted by facsimile shall be on a non-fading legible medium.
- 55 c. All requirements applicable to written prescriptions in this Subsection shall apply
56 to facsimile prescriptions, except Subparagraph C.7.c.
- 57 d. The provisions of this Section notwithstanding, a prescription for a medication not
58 listed as a controlled substance which is received in a pharmacy by facsimile and
59 which bears an electronic signature of the prescriber shall be construed as a
60 validly-formatted prescription; however, this temporary allowance shall expire at
61 midnight on December 31, 2016.
- 62 6. Forms used by pharmacists to record telephoned or transferred prescriptions are exempt from
63 the format requirements listed above.
- 64 7. ~~Equivalent Drug Product Interchange.~~
- 65 a. ~~The pharmacist shall not select an equivalent drug product when the prescriber~~
66 ~~handwrites a mark in the check box labeled "Dispense as Written", or "DAW", or~~
67 ~~both, and personally handwrites his signature on a printed single signature line.~~
68 ~~Otherwise, the pharmacist may select an equivalent drug product, provided the~~
69 ~~patient has been informed of, and has consented to, the proposed cost saving~~
70 ~~interchange.~~
- 71 b. ~~In the event an authorized prescriber has indicated that an equivalent drug product~~
72 ~~interchange is prohibited by handwriting a mark in the check box labeled~~
73 ~~"Dispense as Written", or "DAW", or both, then a non-licensed, non-certified, or~~
74 ~~non-registered agent of the pharmacy shall not inquire as to a patient's desire for~~
75 ~~an equivalent drug product interchange.~~
- 76 e. ~~For prescriptions reimbursable by Medicaid or Medicare, the authorized prescriber~~
77 ~~may only prohibit equivalent drug product interchange by handwriting the words~~
78 ~~"brand necessary" or "brand medically necessary" on the face of the prescription~~
79 ~~order or on a sheet attached to the prescription order.~~
- 80 D. Oral Prescriptions.
- 81 1. Upon the receipt of an oral prescription from an authorized prescriber, the pharmacist or
82 pharmacy intern or pharmacy technician shall reduce the order to a written form prior to
83 dispensing the medication. As an alternative to recording such prescriptions on paper forms,
84 a pharmacist may enter the prescription information directly into the pharmacy's dispensing
85 information system. In the event a pharmacy intern or pharmacy technician transcribes such
86 a prescription, the supervising pharmacist shall initial or countersign the prescription form
87 prior to processing the prescription.
- 88 2. ~~The pharmacist shall not select an equivalent drug product when the authorized prescriber or~~
89 ~~his agent has verbally indicated a specific brand name drug or product is ordered.~~
- 90 3. ~~The pharmacist may select an equivalent drug product if the authorized prescriber or his~~
91 ~~agent has given his approval to the equivalent drug product interchange. The patient shall be~~
92 ~~informed of, and consent to, the proposed cost saving interchange.~~
- 93 E. Electronic Prescriptions.
- 94 1. The prescription shall clearly indicate the authorized prescriber's name, licensure
95 designation, address, telephone number, and if for a controlled substance, the DEA
96 registration number.
- 97 2. ~~The pharmacist shall not select an equivalent drug product when the prescriber indicates~~
98 ~~"Dispense as Written," "DAW," or "Brand Medically Necessary" and transmits his~~
99 ~~electronic signature. Otherwise, the pharmacist may select an equivalent drug product,~~
100 ~~provided the patient has been informed of, and consents to, the proposed cost saving~~
101 ~~interchange.~~
- 102 F. Exclusion. The provisions of this Section shall not apply to medical orders written for patients in
103 facilities licensed by the Department of Health and Hospitals or its successor.

106 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708
 107 (October 1988), amended LR 29:2102 (October 2003), effective January 1, 2004, amended LR 41:98 (January
 108 2015), amended LR 41:2147 (October 2015), amended LR
 109

110 ...
 111

112 §2517. Prescription Dispensing

- 113 A. Prescription dispensing means the issuance, by a licensed pharmacist, of one or more doses of
 114 medication in a suitable container, properly labeled for subsequent administration, and shall consist of
 115 the following procedures or practices:
- 116 1. receiving and interpretation of the prescription order;
 - 117 2. assembling the drug products and an appropriate container;
 - 118 3. preparing the prescription by compounding, mixing, counting, or pouring;
 - 119 4. affixing the proper label to the final container;
 - 120 5. patient counseling as required; and
 - 121 6. transfer of possession.
- 122 B. Equivalent Drug Product Interchange
- 123 1. The pharmacist shall not select an equivalent drug product when the prescriber prohibits such
 124 interchange by any one of the following methods:
 - 125 a. On a prescription generated in written form, the prescriber shall handwrite a mark
 126 in a check box labeled “Dispense as Written”, or the abbreviation “DAW”, or
 127 both, and shall manually sign the prescription form.
 - 128 i. For prescriptions reimbursable by the state Medicaid program, the
 129 prescriber shall handwrite the words “Brand Necessary” or “Brand
 130 Medically Necessary” on the prescription form or on a sheet of paper
 131 attached to the prescription form.
 - 132 b. On a prescription generated in oral or verbal form, the prescriber (or the
 133 prescriber’s agent) shall indicate a specific brand name drug or product is ordered
 134 by the practitioner, and the pharmacist shall note such information on the file copy
 135 of the prescription.
 - 136 c. On a prescription generated in electronic form, the prescriber shall indicate
 137 “Dispense as Written”, “DAW”, or “Brand Medically Necessary.”
 - 138 2. Where the prescriber has indicated that an equivalent drug product interchange is prohibited,
 139 then a non-licensed, non-certified, or non-registered agent of the pharmacy shall not inquire as
 140 to a patient’s desire for an equivalent drug product interchange.
 - 141 3. In the event the prescriber has not prohibited equivalent drug product interchange in the
 142 manner described above, the pharmacist may select an equivalent drug product for dispensing,
 143 provided the patient has been informed of, and has consented to, the proposed cost saving
 144 interchange.
 - 145 4. When the pharmacist selects a biological product rated as interchangeable for the product
 146 ordered by the prescriber, the dispensing pharmacist (or his designee) shall communicate to
 147 the prescriber – by any means, but no later than five business days following the dispensing
 148 date – the specific product dispensed to the patient, including the name of the product and the
 149 manufacturer. However, no such communication to the prescriber is required when:
 - 150 a. The prescriber prohibited interchange in the manner described above;
 - 151 b. There is no product rated as interchangeable or therapeutically equivalent; or
 - 152 c. The product dispensed is a refill not changed from the product dispensed on the
 153 prior filling of the prescription.
- 154 ~~B. C.~~ Unless otherwise allowed by law, drugs dispensed on prescription to a patient shall not be accepted
 155 for return, exchange, or re-dispensing by any pharmacist or pharmacy after such drugs have been
 156 removed from the pharmacy premises where they were dispensed.
 157

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

159 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708
160 (October 1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004,
161 amended LR
162
163 ...
164