

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1502

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1717, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking is necessary to clarify the dispensing of drugs and devices within an institutional facility. This rulemaking provides new language to clarify and list to whom an institutional facility may dispense drugs and devices.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published under Docket No. 27-0101-1501 in the July 1, 2015 Idaho Administrative Bulletin, [Vol. 15-7, page 71](#) and in the August 5, 2015 Idaho Administrative Bulletin, [Vol. 15-8, page 106](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Alex Adams, Executive Director, at (208) 334-2356.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2015.

DATED this 4th Day of September 2015.

Alex Adams
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
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Boise, ID 83720-0067
Phone:(208) 334-2356
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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 27-0101-1502
(Only Those Sections With Amendments Are Shown.)**

620. INSTITUTIONAL FACILITY: PRACTICE OF PHARMACY AND ADMINISTRATION AND CONTROL OF DRUGS AND DEVICES.

These institutional facility rules are applicable to the practice of pharmacy and the administration and control of drugs and devices ~~within~~ by institutional facilities or by persons employed by them. (3-21-12)()

(BREAK IN CONTINUITY OF SECTIONS)

630. INSTITUTIONAL FACILITY: GENERAL STANDARDS FOR ADMINISTRATION AND CONTROL OF DRUGS AND DEVICES.

~~01. Drugs and Devices Dispensed for Administration or Use Within an Institutional Facility.~~ Within an institutional facility, drugs and devices may be dispensed for administration to, or for self-administration or use by, a patient ~~while in the institutional facility~~ only as permitted by applicable law and these rules consistent with usual and customary standards of good medical practice, ~~as follows:~~ (3-21-12)()

01. Drugs and Devices Dispensed for Administration Within an Institutional Facility. Drugs and devices must only be dispensed to inpatients of an institutional facility: ()

a. Upon the drug orders of licensed facility prescribers; (3-21-12)

b. Pursuant to an emergency protocol for the administration of drugs without an order in life or death situations; ~~and~~ or (3-21-12)()

c. ~~By~~ For self-administration or use if specifically authorized by the treating or ordering prescriber, the patient has been appropriately educated and trained to perform self-administration, and there is no risk of harm. (3-21-12)()

02. Drugs and Devices Dispensed for Administration or Use Outside an Institutional Facility. A drug or device prepared for self-administration or use by a patient while outside the confines of the institutional facility must comply with the standard prescription drug labeling requirements; ~~only be dispensed for a limited and reasonable time as a continuation of or supplemental to treatment that was administered at the hospital and subject to the following:~~ (3-21-12)()

a. Permissible dispensing: ()

i. To emergency room patients pursuant to these rules: ()

ii. To other outpatients who receive treatment or consultation on the premises; and ()

iii. To hospital employees, medical staff, and students at the hospital and their dependents, for their own personal use only and not for resale. ()

b. Impermissible activities include dispensing refills for former patients and dispensing to walk up customers who have no connection to the hospital. ()

03. Controlled Substances Reporting and Documentation. Distribution, dispensing, delivery, or administration of controlled substances within an institutional facility or by facility personnel must be properly and adequately documented and reported in the time and manner required by the appropriate committee of the institutional facility and the director. (3-21-12)

04. Patient's Personal Drug Supplies. If an admitted patient brings a drug into the institutional facility, the drug must not be administered or used except pursuant to a drug order and only if it can be precisely identified and the quantity and quality of the drug visually evaluated by a pharmacist. (3-21-12)

a. If a patient's drug will not be administered or used, the pharmacy must package, seal, and return the

drug to an adult member of the patient's immediate family or store and return it to the patient upon discharge. (3-21-12)

b. Drugs not returned to the patient or the patient's family may be disposed of after a reasonable number of days following discharge or death. (3-21-12)

05. Suspected Adverse Drug Reaction Reporting. Suspected adverse drug reactions must be communicated in a timely manner to the pharmacy. (3-21-12)

06. Required Pharmacy Returns. Discontinued, expired, and damaged drugs and containers with worn, illegible, or missing labels must be returned to the pharmacy for proper handling. (3-21-12)