

4729:5-3-11**Transmission of outpatient prescriptions.**

- (A) Oral transmission by a prescriber or a prescriber's agent of an original outpatient prescription authorized by a prescriber shall comply with the requirements of rule 4729:5-5-15 of the Administrative Code. For any oral outpatient prescription transmitted by an agent of a prescriber, the prescriber's agent must provide the agent's first and last name when transmitting the prescription. An oral prescription may be transmitted by a prescriber or prescriber's agent to a recording device or voice mail service.
- (B) Original written outpatient prescriptions shall be authorized and signed by a prescriber, in the same manner as the prescriber would sign a check or legal document, and may be transmitted by the prescriber or the prescriber's agent by facsimile machine to a pharmacy.
- (1) The facsimile of the prescription must include the identification number of the facsimile machine which is used to transmit the prescription, the full name of the prescriber and, if applicable, the full name of the prescriber's agent transmitting the prescription to the pharmacy.
 - (2) The prescription must comply with the requirements of rule 4729:5-5-15 of the Administrative Code.
 - (3) The original prescription signed by the prescriber from which the facsimile is produced shall not be issued to the patient. The original prescription signed by the prescriber must remain with the patient's records at the location where it was issued for three years from the date of issuance. Following the successful transmission of the prescription, the word "VOID" or "FAXED" shall be written or stamped on the face of the original prescription in a manner that does not destroy any of the original information contained on the prescription.
 - (4) Outpatient prescriptions for schedule II controlled substances may be transmitted by facsimile in accordance with 21 C.F.R. 1306.11 (5/1/2019) and shall meet the facsimile requirements of this rule.
- (C) Outpatient prescriptions may be transmitted by means of an electronic prescription transmission system that complies with the prescription requirements in rule 4729:5-5-15 of the Administrative Code.
- (1) An outpatient prescription transmitted by means of an electronic prescription transmission system shall include the full name of the prescriber's agent transmitting the prescription.

- (2) A controlled substance outpatient prescription shall only be transmitted by means of an electronic prescription transmission system if the system complies with 21 CFR 1311 (5/1/2019).
- (3) Except as provided in paragraphs (D)(4) and (D)(5) of this rule, no prescriptions may be transmitted by means of an electronic prescription transmission system that converts the prescription into a computer-generated fax or scanned image.
- (4) A non-controlled prescription may be transmitted by means of an electronic prescription transmission system that converts the prescription into a computer-generated fax or scanned image if all the following apply:
- (a) The transmission is conducted by means of a board approved system that meets the prescription requirements of rule 4729:5-5-15 of the Administrative Code.
 - (b) The prescription transmission system operates within a closed-system. A closed system includes any system whereby prescription information is transmitted directly between:
 - (i) Any division, subsidiary, parent or affiliated or related company under common ownership and control; or
 - (ii) One or more contracted entities. Contracted means having a written agreement (to include business associate agreements) between one or more prescribers and a pharmacy and shall not include a third-party intermediary unless otherwise approved by the board.
- (5) A non-controlled prescription may be converted into a computer-generated fax by a board approved third-party intermediary only if the conversion is necessitated by a temporary telecommunication outage of the third-party intermediary or receiving pharmacy.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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