

Q&A with the PEB

by Tom Engels, PSW Vice President of Public Affairs

At the request of our readers, JPSW will periodically publish answers to questions that have been submitted to the Pharmacy Examining Board. We acknowledge the assistance of Attorney William Black, legal counsel to the PEB. Please submit any questions or suggestions regarding this feature directly to the Pharmacy Examining Board at the Wisconsin Department of Regulation and Licensing, 1400 E. Washington Avenue, PO Box 8935, Madison, WI 53708; dorl@mail.state.wi.us.

What are the state and federal regulations for a prescription order that is sent to a pharmacy via electronic (computer) transmission or fax?

A practitioner can print and sign a CIII-V prescription and then fax it to the pharmacy. A practitioner should not electronically transmit a CIII-V prescription via a computer to a pharmacy fax machine. In the event such a prescription is electronically transmitted, the pharmacist will need to print the prescription, call the practitioner to verify the prescription's validity and fax the prescription back to the practitioner for signature.

According to state and federal regulations, what is the definition of a signature for a prescription transmitted electronically or by fax?

A prescription transmitted electronically to a pharmacy's fax machine must have the words "Electronically transmitted prescription authorized by..." attached to the printed name of the physician at the time he/she is transmitting the prescription to the pharmacy. However, the printed name of the prescriber can't be the default; it needs to be affixed contemporaneously with the transmission of the prescription. A pharmacist must be certain that the signature is attached by deliberate action, not by default.

A pharmacist employed by and working at a physician's clinic prepares chemotherapy and supervises technician preparation of chemotherapy. A nurse at the physician's clinic will administer these medications. Does the pharmacist's work area, used for storage and preparation of medications, need to be licensed as a pharmacy?

Assuming that the physician's clinic (or hospital) owns the prescription drugs, this situation would be considered physician dispensing under Wis. Admin. Code Chapter MED 17. No pharmacy license would be needed. This pharmacist is assisting in physician dispensing as a delegated medical act under Wis. Stats 448.03 (2)(e).

Can a pharmacist who has met all the educational and insurance requirements for administering an injectable prescription medication be allowed to administer a long-acting injectable prescription medication even though it is not being done to teaching the patient self-administration techniques?

Yes, as long as it is a delegated act by a physician. But note, for the delegated act by a physician there are, strictly speaking no educational and insurance requirements, because those requirements only apply to administering to teach a patient.

Does an out-of-state mail order pharmacy that dispenses a prescription to a Wisconsin resident need to have a Wisconsin pharmacy license?

An out-of-state pharmacy does not need a Wisconsin pharmacy license to dispense pursuant to a prescription order to end-user patients located in Wisconsin. ●