

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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SENATE BILL 774

Short Title: Update Electronic Prescription Rules. (Public)

Sponsors: Senator Brock.

Referred to: Judiciary I.

April 20, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE BOARD OF PHARMACY TO ADOPT ADDITIONAL RULES
3 RELATING TO ELECTRONIC PRESCRIPTIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 90-85.32 reads as rewritten:

6 "**§ 90-85.32. Rules pertaining to filling, refilling, transfer, and mail or common-carrier**
7 **delivery of prescription orders.**

8 (a) Except as otherwise provided in this section, the Board may adopt rules governing
9 the filling, refilling and transfer of prescription orders not inconsistent with other provisions of
10 law regarding the distribution of drugs and devices. The rules shall assure the safe and secure
11 distribution of drugs and devices. Prescriptions marked PRN shall not be refilled more than one
12 year after the date issued by the prescriber unless otherwise specified.

13 (b) Notwithstanding G.S. 90-85.6, the Board shall not adopt rules pertaining to the
14 shipment, mailing, or other manner of delivery of dispensed legend drugs that are more
15 restrictive than federal statutes or regulations governing the delivery of prescription
16 medications by mail or common carrier.

17 (c) Rules adopted by the Board under this section shall require the following:

18 (1) Electronic prescribing software and hardware must comply with health
19 information and medical records standards as governed by the Health
20 Insurance Portability and Accountability Act of 1996 (HIPPA), 42 U.S.C. §
21 1320d and 45 C.F.R. §§ 160-164.

22 (2) A practitioner must comply with the request of a patient not to send
23 electronically a patient's prescription or information related to the patient's
24 prescription.

25 (3) A covering entity, including an insurer or pharmacy benefits manager, must
26 make a patient's drug benefits and formulary information available to the
27 patient's authorized prescribing practitioner in real time through electronic
28 prescribing software and hardware and to the extent that the information is
29 retrievable and conveyable in such a manner.

30 (4) Electronic prescribing software and hardware must not permit the use of any
31 means of advertising to hinder or attempt to hinder, through economic
32 incentives or otherwise, the prescribing decision of a prescribing practitioner
33 at the point of care.

34 (5) Electronic prescribing software and hardware must support access to data
35 necessary for clinical and patient decision making, including, but not limited



1 to, adverse events and up-to-date formulary information, co-pay
2 requirements, and prescription tier information.

3 (6) Electronic prescribing software and hardware must facilitate navigation of
4 health plan administrative requirements, including a means to initiate
5 exceptions or prior authorization for coverage of restricted drugs so that the
6 practitioner can have real-time access to information required to be provided
7 by the practitioner for exceptions or prior authorization, including, but not
8 limited to, criteria for approval and how to appeal a denial of the exception
9 or prior authorization request.

10 (7) A prior authorization form must be adjudicated through electronic
11 transmission, including, but not limited to, a Web-based application."

12 **SECTION 2.** This act becomes effective October 1, 2011. The Board of Pharmacy
13 shall propose rules consistent with this act within 90 days of the effective date of this act.