

Substantive Policy

Prescription Faxing Policy Statement

It should be noted that the Arizona statutes do not specifically mention facsimile technology for transmitting prescriptions. A.R.S. 32-1901(73) defines a prescription order as either:

- a) An order to a pharmacist for drugs or devices issued and signed by a duly licensed medical practitioner in the authorized course of his professional practice.

- b) An order transmitted to a pharmacist through word of mouth, telephone, or other means of communication directed by such medical practitioner. Prescription orders received by word of mouth, telephone or other means of communication shall be maintained by the pharmacist pursuant to section 32-1964 and the record so made by the pharmacist constitutes the original prescription order to be dispensed by the pharmacist. This paragraph does not alter or affect laws of this state or any federal act requiring a written prescription order.

Arizona pharmacists may utilize facsimile technology when receiving otherwise lawful prescription orders from licensed practitioners. A facsimile of a legal prescription transmitted from a licensed practitioner with prescriptive authority to a pharmacy utilizing "plain" paper facsimile technology is considered compliant with A.R.S. 32-1901(73). Prescriptions for nonprescription drugs and prescription-only drugs other than controlled substances may be received by facsimile and if received on a "plain" paper facsimile will constitute the original prescription order.

In those cases where federal regulations allow the use of a facsimile as the original prescription, the use of a "plain" paper facsimile will constitute compliance with A.R.S. 32-1901(73) (see 21 CFR 1306.11(a), (e), (f), and (g), 1306.21(a) and (c), and 1306.31(c)). The pharmacist still bears the responsibility for ensuring that prescriptions for controlled substances have been issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice pursuant to 21 CFR 1306.04(a).

The Board feels that patient confidentiality must be protected, therefore, Board policy for prescription faxing dictates that facsimile equipment shall reside within the pharmacy area not in administrative offices. Prescriptions received on thermal paper facsimile shall be reduced to writing by the pharmacist then attached to the facsimile.

*This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement. **REV. 03/2004***