



# Missouri Board of Pharmacy

Published to promote voluntary compliance of pharmacy and drug law.

PO Box 625, Jefferson City, MO 65102

## Release of Confidential Information

Issues continue to confront pharmacists as to when it is appropriate to release patient-specific information to outside sources. The use, care, and storage of confidential information has become a primary concern within the practice of pharmacy, as well as with regulators who want to ensure that patient records are maintained within the minimum requirements of the law. Obviously, there are a number of reasons why individuals and businesses are interested in getting this type of information. Purposes ranging from legal actions to the use of such data in marketing and cost-containment programs are used as reasons to have as much access to the pharmacy database as the law will allow. As noted in previous newsletters, pharmacists should take the time to review laws dealing with record security. Section 338.100 and 4 CSR 220-2.300 deal directly with patient records in a pharmacy and when disclosure is proper. Other regulations pertinent to records use and release should also be reviewed. These laws deal with providing minimum standards within electronic database systems and with the transfer of prescription information between pharmacies.

The Internet is being used more and more by the public and health professionals to transfer patient-specific records and disease-state information. Pharmacists need to know that the Internet provides no security for normal e-mail or document transfers. Unless such information is appropriately encrypted, anyone can access such information. It is important that appropriate steps are taken to ensure the security of any data transfers that include patient-specific information when sent over the Internet. Another issue that pharmacists need to be aware of is the release of information when provided with a subpoena. In some cases, administrative subpoenas, which have not been reviewed and authorized by a court or judge, can be issued by attorneys. Subpoenas issued in this fashion may not sufficiently meet the strict definitions under the law for the release of patient information. Pharmacists faced with such situations should consult the "red law book" and, in some instances, an attorney who is familiar with state and federal records law. While administrative subpoenas can come from a variety of sources, there are some that, under the law, can be honored since statutes specifically grant authority for a state or federal agency to view such records. Examples would include the state Board of Narcotics and Dangerous Drugs and the federal Drug Enforcement Administration.

## Compliance Reminders

- ◆ Advanced Practice Nurses are not authorized under state law to issue prescriptions for controlled substances. This reminder pertains to prescriptions that originate from out-of-state as well. Even though the prescription may have been written in a state that allows such a practice, state law prevails where the prescription is dispensed.
- ◆ Prescriptions must be stored at the address assigned to the pharmacy permit.
- ◆ While an area outside of the immediate pharmacy may be used to store prescription records, they must be maintained at the same address and must be readily retrievable at the time of inspection.

## Regulation Update

The following rules were either adopted or amended by the Board and went into effect on September 30, 2000. Add the information provided here with present language provided in the "red law book" for a complete printing of rule amendments. In addition, a copy of the complete text of rule changes can be requested through the Board office. Amended 4CSR 220-2.010 (1)(C)2. A suitable machine or electronic data device for the numbering of all prescriptions must be maintained along with appropriate printing equipment for the production of prescription drug labels. (1)(L) Pharmacy operations must be conducted at all times under the supervision of a properly designated pharmacist-in-charge... Amended 4CSR 220-2.018 (1)(A) The prescription date and assigned prescription number... Amended 4CSR 220-2.020 (4)(A) Remodeling of a licensed pharmacy within an existing structure shall be deemed to have occurred when any change in the storage conditions of the Schedule II controlled substances is made or new connections to water/sewer resources are made or any changes in the overall physical security of drugs stored in the pharmacy as defined in 4 CSR 220-2.010(1)(H) are made. Remodeling as defined within this section will not require the initiation of any change of location procedures. Satisfactory evidence of plans for any remodeling of a pharmacy must be provided to the Board office thirty (30) days in advance of commencing such changes along with an affidavit showing any changes to the pharmacy physical plant and the projected completion date for any remodeling. (10) Pharmacy applications for initial licensure or renewals of a license shall accurately note each class of pharmacy that is practiced at the location noted on the application or re-

Continued on page 4

Continued from page 1

newal thereof. The permit (license) issued by the Board shall list each class of licensure in which the pharmacy is approved to engage. Whenever a change in service classification occurs at a pharmacy, the permit must be sent to the Board with a notarized statement explaining any additions or deletions of pharmacy classes that are to be made. 4 CSR 220-2.080 (2)(A) Original prescription number and, if utilized, a prescription hard copy number may be assigned that is different from the assigned original prescription number... (3) Prescription hard copies must be filed by either the prescription number or by the hard copy number. Prescription hard copies must be retrievable at the time of inspection..... (11) .....A pharmacy that desires to discard hard copy prescriptions that are more than three (3) years old must maintain all prescription information on microfiche or electronic media. Any process utilizing microfiche must ensure that all data is available and in readable form. Any pharmacy opting for the utilization of microfiche records must also maintain a microfiche reader so that records may be reviewed on-site by pharmacy personnel or board inspectors. Electronic media storage is defined as any medium such as a computer, floppy disk or diskette, CD, or other electronic device that can reproduce all prescription information as required by section 338.100, RSMo, and this rule and is retrievable within the time frame defined in section (8) of this rule. The following rules governing drug distributor requirements were amended. 4 CSR 220-5.020 Drug Distributor Licensing Requirements. Information requiring that licensed drug distributors transfer drugs only from other licensed drug distributors or pharmacies was added. 4 CSR 220-5.030 Definitions. Amended education/experience requirements for a manager-in-charge and supervisors. Definition of a broker and their operational requirements is also included. 4 CSR 220-5.050 Out of State Distributor License/Registration Requirements. Foreign jurisdictions were added as entities where applications for licensure can be submitted to the board for purposes of acting as a drug distributor. New rules adopted were 4CSR 220-2.145 Minimum Standards for Multi-Med Dispensing. 4 CSR 220-5.070 Standards of Operation for Medical Gas Distributors.

## Licensing Actions

**Ann E. Christiansen**, Keller, Tex – June 8, 2000. Suspended June 28, 2000 to July 12, 2000, followed by probation July 13, 2000 to July 12, 2003. Operating pharmacy without a permit, recordkeeping violations. Section 338.055.2(15), RSMo 1994.

**Sylvan H. Cohen**, St. Charles, Mo – May 13, 2000. Probation for five (5) years, until May 12, 2005. Operating a pharmacy without a permit, misappropriation of controlled substances, impaired pharmacist, recordkeeping violations, prescriptions refilled beyond one (1) year limitation without authorization or documentation of authorization. Section 338.055.2(1), (5), (6), (10), (13), and (15).

**Roy H. Eberhart**, St. Louis, Mo – September 5, 2000. License censured. Returned nursing home medications to stock bottles for redispensing. Section 338.055.2 (5), (13), and (15), RSMo Supp. 1999.

**Christi L. Gabel**, Cabool, Mo – September 9, 2000. License Censured. Worked with expired license. Section 338.055.2(5), (6), and (13), RSMo Supp. 1999.

**Douglas E. Griggs**, St. Louis, Mo – September 1, 2000. Suspended for six (6) months, to be immediately followed by five (5) years probation. Dispensed drug samples. Section 338.055.2(5), (13), and (15), RSMo Supp. 1999.

---

Page 4 – November 2000

The *Missouri Board of Pharmacy News* is published by the Missouri Board of Pharmacy and the National Association of Boards of Pharmacy Foundation, Inc, to promote voluntary compliance of pharmacy and drug law. The opinions and views expressed in this publication do not necessarily reflect the official views, opinions, or policies of the Foundation or the Board unless expressly so stated.

Mel Carnahan - Governor  
Joseph Driskill - Department Director  
Randall Singer - Division Director  
Kevin E. Kinkade, RPh - State News Editor  
Carmen A. Catizone, MS, RPh - National News Editor  
& Executive Editor  
Courtney M. Karzen - Editorial Manager

Bulk Rate  
U.S. Postage  
PAID  
Chicago, Illinois  
Permit No. 5744

MISSOURI BOARD OF PHARMACY  
National Association of Boards of Pharmacy Foundation, Inc.  
700 Busse Highway  
Park Ridge, Illinois 60068