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GUIDANCE STATEMENT

TO: All Licensees
FROM: The Missouri Board of Pharmacy
DATE: May 24, 2011
RE: Natural Disasters in Newton and Jasper County

Pursuant to Executive Order 11-10, the Board is suspending the following provisions of Chapter 338, RSMo, and the rules of the Board:

MISSOURI LICENSURE

The Board is hereby suspending § 338.010 and 338.040, to allow pharmacists not licensed in Missouri but currently licensed as pharmacists in another state to practice pharmacy subject to the following conditions:

- A. The pharmacist's license is current and not subject to disciplinary action in the pharmacist's licensing state. The pharmacist shall have identification to verify current licensure in another state, and
- B. The pharmacist is engaged in a legitimate relief effort to assist persons affected by the disaster or state of emergency as identified in Executive Order 11-10.

PRESCRIPTION DISPENSING

Further, the Board is hereby suspending § 338.095, as well as any related state regulations, to allow any licensed pharmacist in the State of Missouri to dispense non-controlled legend drug prescription refills to persons affected by the disaster identified in Executive Order 11-10, subject to the following conditions:

- A. The pharmacist shall use discretion and professional judgment in dispensing refills of non-controlled legend medications for individuals affected by the current disaster. These dispensings may occur at any location where a pharmacist is dispensing in Missouri, whether it is a retail pharmacy, clinic, emergency shelter or

any licensed facility.

- B. If an individual from the affected area requests a refill of medication, the pharmacist shall first make an attempt to contact the original prescriber for authorization to dispense the medication. Licensees should utilize adequate measures to prevent fraudulent prescription activity.
- C. If the pharmacist is unable to contact the prescriber to obtain the prescriber's authorization, the pharmacist may dispense up to a one-time thirty (30) day emergency refill of non-controlled legend medication without authorization from the prescriber to the individual affected by the current disaster if, in the pharmacist's professional judgment,:
 - i) dispensing the refill is essential to the individual's health and safety, the maintenance of life, or the continuation of a prescribed therapy for a chronic condition, and
 - ii) an interruption of therapy might reasonably produce undesirable health consequences or may cause physical or mental discomfort.
- D. If medication is dispensed pursuant to this Guidance Statement, a pharmacist shall create a prescription with the original prescriber designated as the prescriber. The prescriptions shall be marked "emergency prescription refill" and shall be filed and maintained as required by Missouri law for prescriptions.
- E. The pharmacist shall inform the patient at the time of dispensing that the prescription refill is being provided without the prescriber's authorization and that authorization of the licensed practitioner is required for future refills.
- F. The dispensing pharmacist shall attempt to notify the prescribing practitioner of the emergency refill within a reasonable time after such dispensing.

The suspensions identified herein shall begin at 10:00 p.m. Central Standard Time, on May 24, 2011. The Missouri Board of Pharmacy may terminate this waiver via public announcement. Upon termination, compliance with Chapter 338, RSMo, and the rules of the Board shall resume. Termination shall be announced in a manner similar to the issuance of this waiver.

Note: The Board understands the Missouri Bureau of Narcotics and Dangerous Drugs (BNDD) will be issuing separate guidance for the dispensing of controlled substances. BNDD's guidance will be posted on the Board's website when available.