

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS

Pursuant to sections 207, 6504, 6506, and 6509 of the Education Law.

Paragraph (15) of subdivision (a) of section 29.7 of the Rules of the Board of Regents is amended, effective November 9, 2011, as follows:

(15)(i) Repacking of drugs in a pharmacy, except by a pharmacist or under his/her immediate and personal supervision. Labels on repacked drugs shall bear sufficient information for proper identification and safety. A repacking record shall be maintained, including the name, strength, lot number, quantity and name of the manufacturer and/or distributor of the drug repacked, the date of the repacking, the number of packages prepared, the number of dosage units in each package, the signature of the person performing the packaging operation, the signature of the pharmacist who supervised the repacking, and such other identifying marks added by the pharmacy for internal recordkeeping purposes. Drugs repacked for in-house use only shall have an expiration date of 12 months, or 50 percent of the time remaining to the manufacturer's expiration date, whichever is less, from the date of repacking. For the repacking of drugs by manufacturers and wholesalers, the provisions of parts 210 and 211 of title 21, Code of Federal Regulations (1984 edition, Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402: 1984, available at New York State Board of Pharmacy, [Room 3035, Cultural Education Center, Albany, NY 12230] 89 Washington Avenue, 2nd Floor, Albany, NY 12234), shall apply. Repacking records shall be maintained for five years and shall be made available to the department for review and copying.

(ii) Repacking drugs in customized patient medication packages (patient med-pak or patient medication package) unless the following conditions are complied with:

(a) medications are packaged in moisture-proof containers that are either non-reclosable or are designed to show evidence of having been opened;

(b) medications are dispensed in containers that bear a label affixed to the immediate container in which the medications are dispensed in accordance with section 6810(1) of the Education Law. Such label shall include:

(1) all information required by Education Law section 6810(1);

(2) the name, strength, physical description or identification, and quantity of each medication;

(3) the address and telephone number of the dispenser;

(4) an expiration date for the customized patient medication package, which shall not be longer than the shortest recommended expiration date of the medications included therein, provided that in no event shall the expiration date be more than 60 days from the date of preparation of the package and shall not exceed the shortest expiration date on the original manufacturer's bulk containers for the dosage forms included therein;

(5) a separate identifying serial number for each of the prescription orders for each of the drug products contained in the customized patient medication package and, unless such number provides complete information about the customized patient medication package, a serial number for the customized patient medication package itself; and

(6) any other information, including storage instructions or any statements, or warnings required for the medications contained in the package.

(c) medications shall not be repackaged for or reissued to any patient other than to the patient for whom they are originally dispensed;

(d) medications shall not be dispensed in customized patient medication packages, without the consent of the patient, the patient's caregiver, or the prescriber, and the patient or caregiver shall be properly instructed in the use of such packages, in how to identify each medication, and in the steps to be taken in the event one of the medications is discontinued or the therapy otherwise altered;

(e) controlled substances shall not be dispensed in customized patient medication packages;

(f) medications that are unstable or therapeutically incompatible shall not be dispensed in customized patient medication packages; and

(g) a record of each customized patient medication package shall be maintained by the pharmacist. Each record shall contain:

(1) the name and address of the patient;

(2) the serial number of the prescription order for each medication contained therein, or other means of individualized tracking system acceptable to the Department;

(3) the name of the manufacturer or labeler and the lot number for each medication contained therein;

(4) information identifying or describing the design, characteristics, or specifications of the customized patient medication package sufficient to allow subsequent preparation of an identical customized patient medication package for the patient;

(5) the date of preparation of the customized patient medication package and the expiration date that was assigned;

(6) any special labeling instructions; and

(7) the name or initials of the pharmacist who prepared the customized patient medication package.