

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6507, 6801, and 6810 of the Education Law

1. Subdivision (a) of section 63.6 of the Regulations of the Commissioner of Education are amended to read as follows:

(a) General Provisions.

(1) . . .

(2) . . .

(3) . . .

(4) . . .

(5) . . .

(6) . . .

(7) . . .

(8) [Refill] Prescription transfers. Except for a prescription for a controlled substance under Article 33 of the Public Health Law, pharmacists at registered pharmacies may, at the express request and approval of a patient or a person authorized to act on behalf of the patient, transfer prescription information to, or accept a prescription transfer from, another registered pharmacy or a pharmacy authorized to do business in another jurisdiction, [for the exclusive purpose of providing one authorized refill per transfer,] subject to the requirements of this paragraph.

(i) A pharmacist at a registered pharmacy may transfer original prescription information required by section 29.7(a)(1) of this Title, to another pharmacy [for the purpose of providing one authorized refill per transfer,] provided that the original prescription information is transferred directly from one pharmacist to another

pharmacist. Such transfer of prescription information may be accomplished by oral or written communication or by electronic transmission. The pharmacist at a registered pharmacy who transfers original prescription information shall invalidate the prescription on file as of the date the prescription is transferred and maintain a record through either written communication or electronically of the following information:

- (a) the fact that an authorized [refill of the] prescription has been transferred;
- (b) the name, address and telephone number of the pharmacy to which [it] the prescription was transferred;

- (c) the name of the pharmacist receiving the prescription information;
- (d) the name of the pharmacist transferring the prescription information; and
- (e) the date of the transfer.

(ii) A pharmacist at a registered pharmacy may accept the original prescription [for the purpose of providing one authorized refill per transfer], provided that the original prescription information is transferred from one pharmacist to another pharmacist. The pharmacist at a registered pharmacy who accepts the original prescription information shall:

- (a) obtain all information required by section 29.7(a)(1) of this Title;
- (b) [produce a hard copy] maintain a record of such information either through written communication or electronically and ensure that the term “[refill] transfer” appears on the written communication or in the electronic record [face of the hard copy]; and

- (c) record the dates of original and most recent filling or transfer of the original prescription, the original number of refills authorized, the number of valid refills

remaining, the transferring pharmacy's name and address, the original prescription number from which the prescription was transferred, the name of the pharmacist transferring the prescription, and the name of the pharmacist receiving the prescription transfer.

(iii) Systems providing for the electronic transfer of prescriptions shall not infringe on a patient's freedom of choice as to the provider of pharmaceutical care.

(iv) The record [hard copy] of the transferred prescription shall be maintained for a period of five years from the date of filling.

(v) A pharmacy utilizing automated data processing systems to transfer a prescription [refill] or to accept a prescription [refill] transfer shall satisfy the requirements of this subdivision and shall also meet the requirements of paragraph (9) of this subdivision if the pharmacy accesses a common electronic file or database used to maintain required personally identifiable dispensing information.