

124.308 Prescriptions.

1. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in schedule II may be dispensed without ~~the written~~ a prescription of a practitioner ~~or without the electronic or facsimile prescription of a practitioner~~ in accordance with ~~subsection 2~~ this section.

2. A practitioner, other than a pharmacy, or a practitioner's authorized agent may transmit to a pharmacy an electronic prescription or facsimile prescription ~~to a pharmacy~~ for a schedule II controlled substance, provided that the prescription complies with section 155A.27 ~~and provided that the original signed prescription is presented to the pharmacist prior to the dispensing of the schedule II controlled substance.~~

a. If permitted by federal law, and in accordance with federal requirements, ~~the~~ an electronic or facsimile prescription shall serve as the original signed prescription and the practitioner shall not provide the patient, ~~or the patient's authorized representative,~~ or the dispensing pharmacist with a signed, written prescription.

b. An electronic prescription for a controlled substance that is electronically transmitted to a pharmacy in compliance with federal requirements for the electronic prescribing of controlled substances shall be the original signed prescription.

3. In emergency situations, as defined by rule of the board, schedule II drugs may be dispensed upon electronic, facsimile, or oral prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. An electronic prescription that is electronically transmitted to a pharmacy in compliance with federal requirements for the electronic prescribing of controlled substances is not required to be reduced to writing and the electronic prescription shall serve as the original signed prescription. Prescriptions shall be retained in conformity with the requirements of section 124.306. No prescription for a schedule II controlled substance may be filled more than six months after the date thereof. No prescription for a schedule II controlled substance may be refilled.

4. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in schedule III, ~~or~~ IV, or V, which is a prescription drug as determined under chapter 155A, shall not be dispensed without a written or oral prescription of a practitioner or without an electronic or facsimile prescription in accordance with subsection 52. The prescription may not be filled or refilled more than six months after the date thereof or be refilled more than five times, unless renewed by the practitioner and authorization of a new prescription.

5. ~~A practitioner, other than a pharmacy, or the practitioner's authorized agent may transmit an electronic prescription or a facsimile prescription to a pharmacy for a schedule III, IV, or V controlled substance, provided that the prescription complies with section 155A.27, and provided that the original signed prescription is presented to the pharmacist prior to the dispensing of the controlled substance, or if the prescription is electronic, an oral prescription or a facsimile prescription is provided. If permitted by federal law, and in accordance with federal requirements, the electronic or facsimile prescription shall serve as the original signed prescription and the practitioner shall not provide the patient or the patient's authorized representative with a signed, written prescription.~~ Effective <date>, no prescription for a controlled substance may be dispensed unless the prescription is an electronic prescription transmitted to a pharmacy in compliance with federal requirements for the electronic prescribing of controlled substances. Both the prescriber's electronic prescribing system and the

receiving pharmacy's dispensing system shall comply with federal requirements for the electronic prescribing of controlled substances.

a. The following shall be exempt from the electronic prescribing requirement of this subsection 5: a prescription authorized for dispensing to a patient residing in a nursing home or long-term care facility; a prescription authorized by a veterinarian; a prescription that will be dispensed by a pharmacy located outside Iowa, including but not limited to Veteran Administration facilities; a prescription requiring certain elements identified by the federal food and drug administration, such as an attachment; a prescription for a compounded product containing two or more products; a prescription issued in response to a public health emergency that would allow a non-patient specific prescription; a prescription with complicated and lengthy directions for administration or use that exceed the number of characters allowed in the appropriate data field; and a prescription issued during a temporary technical or electronic failure at the prescriber's location.

b. A prescriber, medical group practice, or institution that is unable to timely comply with the electronic prescribing requirement of this subsection 5 may petition the board for waiver of the requirement based on economic hardship, technical limitations that the prescriber cannot control, or other relevant and exceptional circumstances. The board may adopt rules establishing the form and specific information to be included in such petition for waiver and the specific criteria to be considered by the board in determining whether or not to approve a petition for waiver. A waiver may be approved for a period of time determined by the board, not to exceed one year from the date of approval, and may be annually renewed subject to board approval of a request for renewal.

6. A controlled substance included in schedule V shall not be distributed or dispensed other than for a medical purpose.