

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 34 BOARD OF PHARMACY

Chapter 20 Format of Prescription Transmission

Authority: Health Occupations Article, §12-205(a)(3)(ii), Annotated Code of Maryland

.01 Scope.

This chapter applies to the conveyance or transmission of prescription orders from authorized prescribers to pharmacies in the State.

.02 Requirements for Prescription Validity.

A. A valid prescription shall be:

- (1) Valid in the professional judgment of the pharmacist responsible for filling the prescription; and
- (2) Conveyed:
 - (a) In a manner that contains the handwritten, pen-to-paper signature of the prescriber;
 - (b) In a manner that is transmitted to the pharmacy electronically, provided that the prescription is:
 - (i) Transmitted via electronic intermediaries that are certified by the Maryland Health Care Commission;
 - (ii) Received by the permit holder's computer, facsimile machine, or other electronic device; and
 - (iii) Maintained by the permit holder in accordance with Regulation .03 of this chapter; or
 - (c) In an oral manner where:
 - (i) Only a pharmacist may take an original oral prescription by a voice messaging system or by phone with the pharmacist reading back the prescription to the prescriber or the prescriber's agent; and
 - (ii) The pharmacist promptly reduces the oral prescription to writing.

B. The requirement of §A(2)(b)(i) of this regulation does not apply to prescriptions transmitted electronically within:

- (1) A closed system of a group model health maintenance organization as defined in Health-General Article, §19-713.6, Annotated Code of Maryland; or
- (2) Any other closed system that does not utilize an intermediary for transmission of prescriptions.

.03 Prescription Records.

The pharmacy permit holder shall maintain prescription records in a form that:

- A. Is readily and accurately retrievable;
- B. Is maintained for at least 5 years from the date of dispensing; and
- C. Protects the confidentiality and security of the prescription information.

.04 Controlled Dangerous Substances.

Transmission and dispensing of controlled dangerous substances shall be in accordance with applicable State and federal statutes and regulations.

Effective date: December 24, 1990 (17:25 Md. R. 2908)

Regulation .03 amended effective December 18, 1995 (22:25 Md. R. 1962)

Regulation .04 amended effective December 18, 1995 (22:25 Md. R. 1962)

Regulation .05 adopted effective December 18, 1995 (22:25 Md. R. 1962)

Regulations .01—.05, Prescription Orders Submitted by Facsimile Devices, repealed and Regulations .01—.04, Format of Prescription Transmission, adopted effective December 25, 2000 (27:25 Md. R. 2282)

Regulation .01 amended effective October 4, 2010 (37:20 Md. R. 1394)

Regulation .02 amended effective October 4, 2010 (37:20 Md. R. 1394)

Regulation .03 amended effective October 4, 2010 (37:20 Md. R. 1394)

Regulation .04 amended effective October 4, 2010 (37:20 Md. R. 1394)