

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY**  
**CHAPTER 13. EMERGENCY / DISASTER PRESCRIPTION DRUG RULES**

**RULEMAKING ACTION:**

PERMANENT final adoption

**RULES:**

535:13-1-4. Prescription Drug Emergency / Disaster Response

**AUTHORITY:**

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.13, 353.13A, 353.15A, 353.17, 353.18; 353.20, 353.22, 353.24 - 353.26, 353.29, 354; Title 75 O.S., Section 302, 305, 307, and 309; Title 63 O.S., Sec 2-201, 2-208 and 2-210; and Title 51 Sec. 24 A.5 (3).

**SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:**

October 24, 2014

**COMMENT PERIOD:**

November 17, 2014 through January 14, 2015

**PUBLIC HEARING:**

January 14, 2015

**ADOPTION:**

January 14, 2015

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

January 20, 2015

**LEGISLATIVE APPROVAL:**

n/a

**APPROVED BY GOVERNOR'S DECLARATION:**

June 8, 2015

**FINAL ADOPTION:**

June 8, 2015

**EFFECTIVE:**

Ten days after publication on August 17, 2015 or August 27, 2015

**SUPERCEDED EMERGENCY ACTION:**

n/a

**INCORPORATED BY REFERENCE:**

n/a

**ANALYSIS:**

Revisions in 535:13-1-4 change "prescribing practitioner" to "prescriber" and hyphenates the word 'one-time'.

**CONTACT PERSON:**

Dr. John A. Foust, Executive Director, Oklahoma State Board of Pharmacy, 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212, Phone number 405 521-3815

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 27, 2015.**

ATTESTATION

I, the undersigned, do hereby attest that the copy enclosed herewith is a true and correct copy of amendments to **CHAPTER 13. EMERGENCY / DISASTER PRESCRIPTION DRUG RULES** which were considered finally adopted by the Oklahoma State Board of Pharmacy on June 8, 2015, under permanent rulemaking provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

I, the undersigned, do hereby attest that such rules were finally adopted in substantial compliance with the Administrative Procedures Act.

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John A. Foust, Attestation Officer  
Executive Director  
Oklahoma State Board of Pharmacy

June 12, 2015

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY  
CHAPTER 13. EMERGENCY / DISASTER PRESCRIPTION DRUG RULES**

**535:13-1-4. Prescription Drug Emergency / Disaster Response**

(a) If a patient from the area affected by the emergency / disaster declaration requests a refill of a non-controlled maintenance medication, the pharmacist, medical gas supplier, or medical gas distributor should make an attempt to contact the original prescriber ~~prescribing practitioner~~ for authorization to dispense refills.

(1) If the prescriber ~~prescribing practitioner~~ cannot be contacted; and if in the pharmacist's professional judgment, or in the medical gas supplier's or medical gas distributor's sound judgment, the dispensing of the medication is essential to the patient's health and safety, the pharmacist, or in the case of a medical gas supplier or medical gas distributor may dispense a one-time emergency supply up to a 30-day supply of such medication.

(2) Only prescription medical gases may be dispensed by medical gas suppliers and medical gas distributors under these rules.

(3) The prescription should be marked as an "Emergency" prescription for a person displaced or affected by such disaster.

(b) If a patient from the area affected by the emergency / disaster requests refills of controlled dangerous substance (CDS), the pharmacist should make an attempt to contact the original prescriber ~~prescribing practitioner~~ for authorization to dispense refills.

(c) If the pharmacist is unable to contact the prescriber ~~prescribing practitioner~~ regarding a CDS prescription, then they must check with the federal Drug Enforcement Agency (DEA) and Oklahoma Bureau of Narcotics (OBN) to see if they have approved an emergency dispensing of CDS for patients affected by the emergency / disaster.

(1) If the federal DEA and OBN approve dispensing CDS in an emergency or disaster situation; and, if in the pharmacist's professional judgment the dispensing of the medication is essential to the patient's health and safety, the pharmacist may dispense up to the allowed limit set by DEA and OBN not to exceed a ten (10) day supply of CDS medication.

(A) The patient should provide identification and a prescription vial or some means of determining the person has been prescribed such medication.

(B) The prescription should be marked as an "Emergency" prescription for a person displaced or affected by the disaster.

(2) If emergency CDS dispensing is NOT approved by the federal DEA and OBN the patients will have to be referred to a healthcare professional.