

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS
DRUGS CONTROL
CHAPTER 30. LABELING REQUIREMENTS**

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

475:30-1-11. Refilling of prescriptions [AMENDED]

475:30-1-12. Partial filling of Schedules III, IV and V prescriptions [AMENDED]

AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §§ 2-301, 2-309H.

DATES:

Adoption:

November 8, 2013

Effective:

Immediately upon Governor's approval

Expiration:

Effective through September 14, 2014, unless superseded by another rule or disapproved.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The imminent peril to the preservation of the public health, safety and welfare that requires these rule amendments stems from the recent statute change to 63 O.S. §2-309, which does not allow for hydrocodone products to be refilled. Without the rule amendments, the rules do not align with the statute, and there is a loophole wherein large prescriptions can be written with the specification that the amount be partially filled at different intervals. This practice is essentially a refill and is contrary to the intent of the statute change, which was an effort to combat the prescription drug abuse problem in our state.

ANALYSIS:

475:30-1-11. Refilling of prescriptions [AMENDED]- Adds the prohibition of refilling a hydrocodone prescription.

475:30-1-12. Partial filling of Schedules III, IV and V prescriptions [AMENDED]- Adds section addressing partial refills of hydrocodone products.

CONTACT PERSON:

Marie Schuble, 405-521-2885

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING
EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE
UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION
253(D):**

475:30-1-11. Refilling of prescriptions

(a) No prescription for a controlled dangerous substance in Schedules III or IV shall be filled or refilled more than six (6) months after the date such prescription was issued, and no such prescription authorized to be refilled may be refilled more than five (5) times. Each refilling of a prescription shall be maintained by the pharmacy, which indicated by the number of the prescription the following information: the name and dosage form of the controlled dangerous substance; the date of each refilling; the quantity dispensed; the identity or initials of the dispensing pharmacist in each refilling; and the total number of refills for that prescription. If the pharmacist merely initials and dates the back of the prescription, he/she shall be deemed to have dispensed a refill for the full face amount of the prescription. Additional quantities of controlled dangerous substances listed in Schedule III or IV may only be authorized by a prescribing practitioner through issuance of a new and separate prescription. Refills shall not be obtained at the same time as the initial filling of the prescription and only one (1) refill shall be obtained at any one time. A new prescription for a specific CDS voids any existing refills or other prescriptions for the same drug.

(b) A pharmacy registrant may elect to use an automated data processing system to maintain prescription files; however, if such a system is used, there must also be written files kept which meet the requirements of Title 59 Okl.St. Ann. § 353.20, OAC 535:15-3-21 and 21 CFR § 1306.22.

(c) Prescriptions for hydrocodone containing products may not be refilled.

475:30-1-12. Partial filling of Schedules III, IV and V prescriptions

The partial filling of a prescription for a controlled dangerous substance listed in Schedules III, IV or V is permissible; PROVIDED that:

- (1) Each partial filling is recorded in the same manner as a refilling.
- (2) The total quantity dispensed in all partial fillings does not exceed the total quantity prescribed.
- (3) No dispensing occurs after six (6) months after the date on which the prescription was issued.
- (4) Prescriptions for hydrocodone containing products are partially filled pursuant to 475:30-1-7.

ATTESTATION

I, the undersigned, do hereby attest that the copy enclosed herewith is a true and correct copy of amendments to Chapter 30, Labeling Requirements, which was adopted by the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control on November 8, 2013 under emergency rulemaking provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

I, the undersigned, do hereby attest that such rule was adopted in substantial compliance with the Administrative Procedures Act.

s/Marie Schuble
Marie Schuble
Staff Attorney
Oklahoma State Bureau of Narcotics
and Dangerous Drugs Control
November 8, 2013