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STATE OF OKLAHOMA

1 2nd Session of the 52nd Legislature (2010)

2 HOUSE BILL 3162 By: Shelton

3 AS INTRODUCED

4 An Act relating to professions and occupations;
5 defining terms; authorizing expedited partner
6 therapy; specifying authorized conduct; exempting
7 certain disclosure on prescription label; amending 59
8 O.S. 2001, Section 353.13A, as last amended by
9 Section 12, Chapter 321, O.S.L. 2009 (59 O.S. Supp.
10 2009, Section 353.13A), which relates to
11 prescriptions; exempting certain provisions from
12 prescription dispensing requirements; providing for
13 codification; and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be
16 codified in the Oklahoma Statutes as Section 355.4 of Title 59,
17 unless there is created a duplication in numbering, reads as
18 follows:

19 A. For purposes of this section:

20 1. "Expedited partner therapy" means the practice of
21 prescribing or dispensing antibiotic drugs for the treatment of a
22 sexually transmitted disease to the partner of a patient without
23 first examining the partner of the patient;

24 2. "Partner" means a person with whom a practitioner does

1 not have a practitioner-patient relationship and who is identified
2 as, or claims to be, a sexual partner of a patient; and

3 3. "Patient" means a person who has a sexually transmitted
4 disease and has a practitioner-patient relationship with a
5 practitioner.

6 B. A practitioner is authorized to prescribe a drug to
7 treat a sexually transmitted disease for patient-delivered
8 expedited partner therapy.

9 C. It is not unlawful conduct or unprofessional conduct if:

10 1. A practitioner issues a prescription for a drug to treat
11 a sexually transmitted disease to a partner by writing "partner of
12 (patient name)" on the prescription order and giving the partner's
13 prescription to the patient for subsequent use by the partner;

14 2. A practitioner dispenses a professional sample to treat
15 a sexually transmitted disease to the patient for the subsequent
16 use of the partner; or

17 3. A pharmacist dispenses a prescription drug for the
18 treatment of a sexually transmitted disease to:

19 a. a person who claims to be a partner and presents a
20 prescription for the drug to the pharmacist which is written for
21 the unnamed partner of a named patient,

22 b. the patient for the subsequent use by the unnamed
23 partner, or

24 c. an agent of the patient or partner.

25 D. For purposes of subsection C of this section, a partner
26 does not have to be identified on the prescription order by
27 information that would disclose the identity of the partner, and

1 the patient's identifying information may, but does not need to,
2 be included on the partner's drug label.

3 SECTION 2. AMENDATORY 59 O.S. 2001, Section 353.13A,
4 as last amended by Section 12, Chapter 321, O.S.L. 2009 (59 O.S.
5 Supp. 2009, Section 353.13A), is amended to read as follows:

6 Section 353.13A A. Prescriptions received by other than
7 written communication shall be promptly recorded in writing by the
8 pharmacist. The record made by the pharmacist shall constitute
9 the original prescription to be filled by the pharmacist.

10 B. Pharmacists may dispense prescriptions for dangerous
11 drugs and controlled dangerous substances specified in Section 581
12 of this title for ocular abnormalities prescribed by optometrists
13 licensed by the Oklahoma Board of Examiners in Optometry.

14 2. All prescriptions issued by licensed optometrists shall
15 include the license number of the optometrist as assigned by the
16 Oklahoma Board of Examiners in Optometry.

17 C. ~~A~~ Except as otherwise provided for in Section 1 of
18 this act, a filled prescription label shall include the name and
19 address of the pharmacy of origin, date of filling, name of
20 patient, name of prescriber, directions for administration, and
21 prescription number. The symptom or purpose for which the drug is
22 being prescribed may appear on the label, if provided by the
23 practitioner and the patient or the patient's authorized
24 representative so requests. If the symptom or purpose for which a
25 drug is being prescribed is not provided by the practitioner, the
26 pharmacist may fill the prescription order without contacting the
27 practitioner, patient, or the patient's representative. The label

1 shall also include the trade or generic name, and the quantity and
2 strength of the drug therein contained, except when otherwise
3 directed by the prescriber. This requirement shall not apply to
4 prescriptions or medicines and drugs supplied or delivered
5 directly to patients for consumption on the premises while
6 admitted to any hospital or mental institution.

7 D. No prescription shall be written in any characters,
8 figures or ciphers other than in the English or Latin language,
9 generally in use among medical and pharmaceutical practitioners.

10 SECTION 3. This act shall become effective November 1,
11 2010.

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