

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE DRS15127-MG-110 (03/18)

Short Title: Standards for Electronic Prescriptions.

(Public)

Sponsors: Senator Brock (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH STANDARDS FOR TRANSMITTING ELECTRONIC  
3 PRESCRIPTIONS FOR CONTROLLED SUBSTANCES TO PHARMACIES AND TO  
4 ESTABLISH STANDARDS FOR ELECTRONIC PRESCRIBING SOFTWARE AND  
5 HARDWARE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Chapter 90 of the General Statutes is amended by adding a new  
8 Article to read:

9 "Article 5G.

10 "Electronic Prescriptions.

11 "**§ 90-113.90. Definitions.**

12 The following definitions apply in this Article:

13 (1) "Controlled substance" has the same meaning as in G.S. 90-87.

14 (2) "Pharmacy" means a pharmacy licensed pursuant to G.S. 90-85.21.

15 (3) "Practitioner" means any person licensed in this State to administer or  
16 prescribe a controlled substance in the course of professional practice.

17 (4) "Prescription" has the same meaning as in G.S. 90-87.

18 "**§ 90-113.91. Standards for transmitting electronic prescriptions.**

19 Any practitioner authorized to prescribe a controlled substance for the purpose of providing  
20 medical or pharmaceutical care for a patient may electronically transmit a prescription to a  
21 pharmacy if all of the following criteria are satisfied:

22 (1) The practitioner has a valid medical or pharmaceutical relationship with the  
23 patient for whom the prescription is being transmitted.

24 (2) The prescription identifies (i) the transmitter's telephone number, (ii) the  
25 time and date of transmission, (iii) the pharmacy that is the intended  
26 recipient of the transmission, and (iv) any other information required by  
27 federal or State law.

28 (3) The practitioner's electronic or digital signature or key code appears on the  
29 electronic prescription order.

30 (4) The prescription is transmitted by the practitioner or the practitioner's  
31 designated agent to a pharmacy of the patient's choice. If the pharmacy of  
32 the patient's choice is not equipped with the capability to accept an electronic  
33 prescription, the practitioner shall provide the patient with a written  
34 prescription or transmit the prescription to the pharmacy of the patient's  
35 choice verbally, by telephone, or by facsimile.



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1           (5)    The prescription is received only by the pharmacy of the patient's choice in a  
2           manner that prevents an intervening person or entity from accessing,  
3           viewing, reading, manipulating, altering, storing, or deleting the electronic  
4           prescription prior to its receipt at the pharmacy.

5           (6)    The prescription is transmitted directly from the practitioner to the pharmacy  
6           of the patient's choice. If the practitioner provides the patient with an  
7           electronic prescription for the patient to deliver to a pharmacy of the patient's  
8           choice, the practitioner shall include the practitioner's original handwritten  
9           signature on the electronic prescription. If the practitioner provides the  
10          patient with a hard copy prescription generated from electronic media, the  
11          practitioner shall include an electronic or manual signature on the hard copy  
12          prescription. Any prescription with an electronic signature must be applied  
13          to paper that utilizes security features to ensure the prescription is not subject  
14          to any form of copying or alteration.

15    **"§ 90-113.92. Standards for electronic prescribing software and hardware.**

16          (a)    Any person authorized to electronically transmit a prescription to a pharmacy under  
17          G.S. 90-113.91 may use electronic prescribing software or hardware to complete the electronic  
18          transmission if the electronic prescribing software or hardware meets all of the following  
19          criteria:

20               (1)    The electronic prescribing software or hardware supports real-time access to  
21               all controlled substances covered by the patient's health insurance plan.

22               (2)    All formulary and benefit information for a patient's health insurance plan is  
23               available through electronic prescribing software.

24               (3)    The electronic prescribing software or hardware does not permit the use of  
25               any means of advertising to hinder or attempt to hinder, through economic  
26               incentives or otherwise, the prescribing decision of a practitioner at the point  
27               of care.

28               (4)    The electronic prescribing software or hardware supports access to data  
29               necessary for clinical and patient decision making, including adverse events  
30               and up-to-date information on formulary, co-pay requirements, and  
31               prescription tiers.

32               (5)    The electronic prescribing software or hardware facilitates navigation of  
33               health plan administration requirements, including a means to initiate  
34               exceptions or prior authorization for coverage of restricted drugs to enable  
35               the practitioner to have real-time access to information the practitioner is  
36               required to provide for approval of exceptions or prior authorization,  
37               including criteria for approval and information on how to appeal any denial  
38               of the exception or prior authorization request.

39          (b)    Nothing in this section shall be construed to prohibit a health insurance plan from  
40          imposing other general exclusions, limitations, or requirements pertaining to health plan  
41          administration, including quantity limits, prior authorization, step edits, e-messaging about  
42          pharmacy benefit coverage, and other utilization management tools."

43               **SECTION 2.** This act becomes effective October 1, 2013.