

Section 54-1733 – Idaho State Legislature

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Idaho Statutes

TITLE 54

PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 17

PHARMACISTS

54-1733. Validity of prescription drug orders. (1) A prescription drug order for a legend drug is valid only if it is issued by a prescriber for a legitimate medical purpose arising from a prescriber-patient relationship which includes a documented patient evaluation adequate to establish diagnoses and identify underlying conditions and/or contraindications to the treatment.

(2) A prescriber who is otherwise authorized to perform any of the activities listed in this section may prescribe or perform any of the following activities for a patient with whom the prescriber does not have a prescriber- patient relationship under the following circumstances:

- (a) Writing initial admission orders for a newly hospitalized patient;
- (b) Writing a prescription drug order for a patient of another prescriber for whom the prescriber is taking call;
- (c) Writing a prescription drug order for a patient examined by a physician assistant, advanced practice registered nurse or other licensed practitioner with whom the prescriber has a supervisory or collaborative relationship;
- (d) Writing a prescription drug order for a medication on a short-term basis for a new patient prior to the patient's first appointment;
- (e) Writing a prescription for an opioid antagonist pursuant to section [54-1733B](#), Idaho Code;
- (f) In emergency situations where the life or health of the patient is in imminent danger;
- (g) In emergencies that constitute an immediate threat to the public health including, but not limited to, empiric treatment or prophylaxis to prevent or control an infectious disease outbreak;
- (h) Epinephrine auto-injectors in the name of a school pursuant to section [33-520A](#), Idaho Code, or an authorized entity pursuant to section [54-1733C](#), Idaho Code; and
- (i) If a prescriber makes a diagnosis of a sexually transmitted disease in a patient, the prescriber may prescribe or dispense antibiotics to the infected patient's named sexual partner or partners for treatment of the sexually transmitted disease as recommended by the most current centers for disease control and prevention (CDC) guidelines.

(3) Treatment, including issuing a prescription drug order, based solely on an online questionnaire or consultation outside of an ongoing clinical relationship does not constitute a legitimate medical purpose.

(4) A prescription drug order shall only be issued by a prescriber including a prescriber who is licensed in a jurisdiction other than the state of Idaho and is permitted by such license to prescribe legend drugs in the course of his professional practice so long as the individual is acting within the jurisdiction, scope and authority of his license when issuing the prescription drug order.

(5) The following acts shall be unlawful:

- (a) To knowingly issue an invalid prescription drug order for a legend drug;
- (b) To knowingly dispense a legend drug pursuant to an invalid prescription drug order; or

(c) To prescribe drugs to individuals without a prescriber-patient relationship, unless excepted in this section.

Such acts shall constitute unprofessional conduct and the prescriber or dispenser shall be subject to discipline according to the provisions of the Idaho Code chapter pursuant to which the prescriber or dispenser is licensed, certified or registered.

History:

[54-1733, added 1979, ch. 131, sec. 3, p. 423; am. 1985, ch. 43, sec. 2, p. 93; am. 2000, ch. 276, sec. 2, p. 899; am. 2006, ch. 117, sec. 1, p. 330; am. 2006, ch. 290, sec. 2, p. 893; am. 2007, ch. 90, sec. 25, p. 262; am. 2007, ch. 245, sec. 1, p. 722; am. 2010, ch. 112, sec. 1, p. 229; am. 2011, ch. 135, sec. 4, p. 380; am. 2012, ch. 163, sec. 1, p. 442; am. 2014, ch. 146, sec. 4, p. 398; am. 2015, ch. 26, sec. 1, p. 39; am. 2015, ch. 88, sec. 3, p. 219; am. 2016, ch. 264, sec. 3, p. 696.]

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