# Application for Permit to Dispense Drugs
# Arkansas State Medical Board

**1401 West Capitol, Suite 340, Little Rock, AR 72201 501-296-1802 501-296-1805 Fax**
**www.armedicalboard.org**

**Name**_____ **License Number** _____

1. **Legend drugs you wish to dispense:** _____

2. **At what address will the drugs be dispensed?** _____

3. **What is your patients' ability to obtain the legend drugs from other medical professionals?**

4. **What is the availability of the legend drugs to be prescribed by you?** _____

5. **What hours can the legend drugs be obtained from other medical professionals?** _____

6. **What is the distance your patients must travel to obtain legend drugs from other medical professionals?**

7. **Have you ever been investigated by the Medical Board concerning improper prescribing or use of legend drugs?** ◯ **Yes** ◯ **No**

8. **Do you have a financial relationship with the manufacturer of the legend drug that would create the appearance of a conflict of interest?** ◯ **Yes** ◯ **No**

9. **Will dispensing legend drugs foster cost containment through improved efficiency and productivity?** ◯ **Yes** ◯ **No**

**This is to certify that I have read Ark. Code Ann. §17-95-102, and I or my delegate agree to personally fill, label and dispense all drugs dispensed by me or my delegate; I will monitor to guard against potential drug interactions; I will store and safeguard the legend drugs; I will comply with Ark. Code Ann. §20-7-601 concerning reporting requirements to the Prescription Drug Monitoring Program; and that I am subject to routine inspections at all times by an inspector or representative of the Arkansas State Medical Board.**

_____ _____

**Legibly Print or Type Name of Applicant** **Signature of applicant (physician)**

_____ _____

**Date** **Signature of ASMB Chairman** **Date**

## 17-95-102. Legend drugs — Definitions.

(a) As used in this section, "dispensing physician" means a physician licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., who purchases legend drugs to be dispensed to his or her patients for the patients' personal use and administration outside the physician's office.

(b) This section does not apply to physicians who only dispense drugs in injectable form unless they are controlled substances, in which case the section shall fully apply.

(c) The dispensing physician shall:

(1) Personally dispense legend drugs, and the dispensing of such drugs may be delegated;

(2)

(A) Keep records of all receipts and distributions of legend drugs.

(B) The records shall be subject to inspection by the proper enforcement authority and shall be readily accessible for inspection and maintained in a central registry; and

(3) Label legend drugs with the following information:

(A) Patient's name and address;

(B) Prescribing physician's address and narcotic registry number issued by the United States Drug Enforcement Administration or national provider identification number;

(C) Date of dispensing; and

(D) Directions and cautionary statements, if any, as required by law.

(d)

(1) A physician licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., shall not dispense legend drugs without prior approval by the Arkansas State Medical Board after application to the Arkansas State Medical Board and on the showing of need.

(2) Licensed physicians who were dispensing in the ordinary course of their practice before April 12, 2013, shall be exempt from the requirements of this subsection.

(3) The Arkansas State Medical Board shall determine whether need exists for a physician to dispense a specific legend drug to the physician's patient for a patient's personal use and administration outside of the physician's office based on such information as is necessary for the Arkansas State Medical Board to determine:

(A) The legend drug or drugs that the physician requests to dispense;

(B) The ability of a physician's patient to obtain the legend drug from other medical professionals;

(C) The availability of the legend drug to be prescribed by the physician;

(D) The hours at which the legend drug may be obtained from other medical professionals;

(E) The distance the physician's patient must travel to obtain the legend drug from other medical professionals;

(F) Whether the physician has been investigated by the Arkansas State Medical Board concerning the improper prescribing or use of a legend drug;

(G) Whether the physician has a financial relationship with the manufacturer of a legend drug that would create the appearance of a conflict of interest;

(H) Whether the physician dispensing a legend drug will foster cost containment through improved efficiency and productivity; and

(I) The procedures the physician has implemented to:

(i) Assure compliance with the requirements of subsection (c) of this section;

(ii) Monitor and guard against potential drug interactions;

(iii) Store and safeguard the legend drugs; and

(iv) Comply with the Prescription Drug Monitoring Program Act, § 20-7-601 et seq., concerning the reporting requirements to the Prescription Drug Monitoring Program.

(4) This section does not apply to a prescription for:

(i) A topical medication;

(ii) Naloxone;

(iii) Nicotine replacement therapy products;

(iv) Contraceptives;

(v) Acute care medication; or

(vi) Initial treatment for maintenance medication.

(e)

(1) The Arkansas State Medical Board shall enforce the provisions of this section and is authorized and directed to adopt rules to carry out the purpose of this section.

(2) The Arkansas State Medical Board shall adopt rules for physician dispensing that, at minimum, meet the same requirements for dispensing and oversight established by the Arkansas State Board of Pharmacy.

(f) As used in this section:

(1)

(A) "Acute care medication" means a legend drug that is not a controlled substance and is prescribed for no more than fourteen (14) days of therapy.

(B) "Acute care medication" includes the following oral medications:

(i) Medications to treat infections;

(ii) Anti-inflammatory medications;

(iii) Antinausea medications;

(iv) Antihistamines; and

(v) Cough medications;

(2) "Initial treatment" means the first prescription written for a specific prescription medication intended to initiate therapy on the medication; and

(3) "Maintenance medication" means a legend drug that:

(A) Is not a controlled substance;

(B) Is prescribed for no more than thirty (30) days; and

(C) Is used to treat one (1) of the following medical conditions:

(i) Hypertension;

(ii) Diabetes mellitus; or

(iii) Hypercholesterolemia.

History: Acts 1983, No. 515, §§ 1-4; A.S.A. 1947, §§ 72-638 — 72-641; Acts 1987, No. 190, § 1; 2013, No. 1169, § 1; 2017, No. 284, § 5; 2019, No. 315, § 1611; 2019, No. 651, § 2; 2021, No. 503, § 5.

## RULE No. 12: DISPENSING

**SECTION I: APPROVAL TO DISPENSE: LEGEND DRUGS**

1. Any physician desiring to dispense legend drugs shall apply to the Arkansas State Medical Board on a form provided for that purpose and shall be required to demonstrate the need for such dispensing of legend drugs prior to receiving approval.
2. This section does not apply to:
   a. Licensed physicians who were dispensing in the ordinary course of his/her practice before April 12, 2013 shall be exempt from the licensing requirements of this section.
   b. Physicians who only dispense drugs in injectable form unless they are controlled substances, in which case this section shall apply fully.
   c. Physicians dispensing topical medication, Naloxone, nicotine replacement therapy, contraceptives, acute care medication that is a legend but not a controlled substance prescribed for no more than fourteen (14) days, and initial treatment for maintenance medication.
      i. Acute care medication includes the following oral medications:
         1. To treat infections;
         2. Anti-inflammatory medications;
         3. Antinausea medications;
         4. Antihistamines; and
         5. Cough medications.
      ii. Initial treatment for maintenance medication means a legend drug that:
         1. Is not a controlled substance;
         2. Is prescribed for no more than thirty (30) days;
         3. And is used to treat hypertension, diabetes mellitus, or hypercholesterolemia.
3. A "dispensing physician" is a physician licensed under the Arkansas Medical Practices Act who purchases legend drugs to be dispensed to his/her patients for the patients' personal use and administration outside the physician's office. A dispensing physician shall:
   a. Personally dispense legend drugs, and the dispensing of legend drugs may be delegated;
   b. Keep records of all receipts and distributions of legend drugs;
   c. Label drugs with the following information:
      i. Patient's name and address;
      ii. Prescribing physician's address, narcotic registry number issued by the U.S. DEA, or national provider identification number;
      iii. Date of dispensing; and
      iv. Directions and cautionary statements, if any, required by law; and
4. Make all records readily accessible for inspection by a designated inspector of the Arkansas State Medical Board and at its direction during all regular business hours.

SECTION II: DISPENSING REQUIREMENTS

1. All records maintained by a dispensing physician shall be subject to inspection by a designated inspector of the Arkansas State Medical Board and at its direction during all regular business hours.
2. Any dispensing physician or delegated individual participating in the preparation of orders or dispensing of prescriptions or any dispensing physician who is responsible for supervising personnel participating in the preparation of orders or dispensing of prescriptions is responsible for the validity and legality of the order or prescription.
    (a) Any dispensing physician who is responsible for supervising personnel is also responsible for any shortage of drugs classified as controlled drugs under state or federal law which occurs under his/her supervision.
    (b) The dispensing physician is responsible for the security and accountability of all drugs stored and is responsible for the validity and legality of all prescriptions or orders upon which drugs are dispensed. The dispensing physician is responsible for ensuring that delegated staff has been appropriately trained to follow all policies and procedures.
3. An inventory is to be maintained, monitored, and recorded jointly by the dispensing physician and delegated employees.

History: Adopted June 16, 1983; Amended Act 503 of 2021, Adopted June 28, 2022, Effective October 14, 2022