

R156. Commerce, Occupational and Professional Licensing.

R156-83. Online Prescribing, Dispensing, and Facilitation Licensing Act Rule.

R156-83-101. Title.

This rule is known as the "Online Prescribing, Dispensing, and Facilitation Licensing Act Rule".

R156-83-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 83, as used in this rule:

(1) "Active and in good standing", as used in Subsections 58-83-302(1)(d), 58-83-302(2) and 58-83-302(3)(g), and "licensed in good standing", as used in Subsection 58-83-302(3)(a), is as defined in Subsection R156-1-102(1) and also includes that the license has not been subject to disciplinary action in the past three years.

(2) "Submit a copy of the internet facilitator's website", as used in Subsection 58-83-302(4)(g), means submitting the URL for the Internet facilitator's website, a site map, and a printout of the main pages.

(3) "Unprofessional conduct" is further defined, in accordance with Subsections 58-1-203(1)(e) and 58-83-102(9), in Section R156-83-502.

R156-83-103. Authority - Purpose.

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 83.

R156-83-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-83-302. Qualifications for Licensure - Liability Insurance Requirements.

In accordance with the provisions of Subsection 58-83-302(3)(e), an applicant who is approved for licensure as an online contract pharmacy shall submit proof of public liability insurance in coverage amounts of at least \$1,000,000 per occurrence with a policy limit of not less than \$3,000,000 by means of a certificate of insurance naming the Division as a certificate holder.

R156-83-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 83 is established by rule in Subsection R156-1-308a(1).

(2) Renewal procedures shall be in accordance with Section R156-1-308c.

R156-83-306. Drugs Approved for Online Prescribing, Dispensing, and Facilitation.

In accordance with Subsection 58-83-306(1)(c), the following legend, non-controlled drugs are approved for prescribing by an online prescriber:

- (1) finasteride;

- (2) sildenafil citrate;
- (3) tadalafil;
- (4) vardenafil hydrochloride;
- (5) hormonal based contraception (except injectable or implantable methods);
- (6) varenicline;
- (7) hydroquinone up to 4%;
- (8) tretinoin up to 0.1%; and
- (9) avanafil.

R156-83-308. Audit Reports.

In accordance with Subsection 58-83-308(3), an initially licensed Internet facilitator licensed under this chapter shall provide quarterly reports to the Division containing the information listed in Subsection 58-83-308(3). The reports are due on the fifteenth day of each quarter, i.e. January 15, April 15, July 15, and October 15. If the Internet facilitator has been licensed for two years, the Board and Division may reduce the audit reports to be due biannually, January 15 and July 15.

R156-83-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) failing as an online facilitator to timely submit quarterly reports to the Division as established in Section R156-83-308;
- (2) prescribing any medication to a patient while engaged in practice as an online prescriber without first reviewing a comprehensive health history, making an assessment, or establishing a diagnosis;
- (3) prescribing a drug listed in Section R156-83-306 for diagnosis that is not recognized by the Federal Food and Drug Administration to be treated by that prescribed drug;
- (4) failing as a licensee to monitor, audit, control or report to the Division any website:
 - (a) promoting availability of online prescribing and dispensing of any prescriptions; and
 - (b) marketed in a format suggesting use of the Utah license as a means to induce consumer confidence of a Division approved website;
- (5) failing to provide to the Division all website and URL information when conducting business as an online prescriber, pharmacy and internet facilitator;
- (6) failing to inform the Division of the name of all physicians writing prescriptions to be filled by the online contract pharmacy;
- (7) failing to report to the Division all transactions of prescriptions filled by the online contract pharmacy; and
- (8) failing to comply with all audit requirements.

KEY: licensing, online prescribing, internet facilitators

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Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-83-101