

456.42 **Written prescriptions for medicinal drugs.**--A written prescription for a medicinal drug issued by a health care practitioner licensed by law to prescribe such drug must be legibly printed or typed so as to be capable of being understood by the pharmacist filling the prescription; must contain the name of the prescribing practitioner, the name and strength of the drug prescribed, the quantity of the drug prescribed in both textual and numerical formats, and the directions for use of the drug; must be dated with the month written out in textual letters; and must be signed by the prescribing practitioner on the day when issued.

History.--s. 1, ch. 2003-41.

FREQUENTLY ASKED QUESTIONS: Legible Prescription Law

Q: What is the Legible Prescription Law?

Section 456.42 Florida Statutes- Written prescriptions for medicinal drugs. --A written prescription for a medicinal drug issued by a health care practitioner licensed by law to prescribe such drug must be legibly printed or typed so as to be capable of being understood by the pharmacist filling the prescription; must contain the name of the prescribing practitioner, the name and strength of the drug prescribed, the quantity of the drug prescribed in both textual and numerical formats, and the directions for use of the drug; must be dated with the month written out in textual letters; and must be signed by the prescribing practitioner on the day when issued.

Q: Who Sponsored this Law?

A. Senator Wasserman-Schultz and Representative Vana.

Q: Why was this law passed?

A. The law was created in the interest of reducing prescription errors and keeping Florida citizens and visitors safe.

Q: When was it passed?

A. The bill was signed into law by Governor Bush on May 23, 2003 and became effective on July 1, 2003.

Q: What are the basic new requirements of this law?

A. That the prescription be legibly written or typed; that the quantity of the drug must be written in numerical and textual format (e.g. 10 -ten); that the date of the

prescription must be written in textual letters (e.g. July 1, 2003); and that the practitioner must sign the prescription on the day it is issued.

Q. Does the law prohibit a prescribing practitioner from using the standard abbreviations such as "p.o. t.i.d"?

A. No.

Q. Does the law require it to be written in such a way that the patient can read and understand it?

A. No. *The law requires that it must be capable of being understood by the pharmacist.*

Q. Does this law apply to written orders by a prescribing practitioner in an institutional setting?

A. *The law clearly references written prescriptions, not written orders. There is a distinct difference between the two. An order relates to administration; a prescription relates to dispensing. Thus, in our interpretation, the law does not apply to written orders.*

Q. Does the law apply to telephone prescriptions that are reduced to writing by the pharmacist?

A. No. *The law applies to a "written prescription for a medicinal drug issued by a health care practitioner licensed by law to prescribe such drug..." A pharmacist is not licensed by law to prescribe drugs.*

Q. Does the law grant a "grace" period before it takes effect?

A. *The law does not grant a "grace" period. It went into effect on July 1, 2003. The Department's focus in the first year will be on education, not punishment.*

Q. What if I have preprinted prescription blanks that don't contain the required information?

A. *Any information not contained on the preprinted prescription should be hand printed.*

Q: What happens if a doctor gives the patient a prescription that is not written as required by the new law?

The pharmacist will handle the script in the same manner as it was handled prior to July 1, 2003. If the pharmacist would have filled the prescription on June 30, then nothing in the law prevents the pharmacist from filling it on July 1.

Q: Is the pharmacist required to tell the Department each time a script is missing part of the new law's requirements?

A. *There is no reporting requirement in the law, however, arguably, if a prescription written by a health care practitioner does not meet the requirements it could be viewed as a general violation of the law. Again, for the first year the department's focus will be educational not punishment.*

Q: Is the pharmacist subject to Discipline if he/she fills a prescription that does not meet the new requirements?

A. *The law does not prohibit filling a prescription that the pharmacist would otherwise have filled prior to July 1, 2003. Keep in mind also that pharmacists, as a routine standard of practice, have always verified with a physician a prescription that was unclear or illegible.*

Q: Will the Board of Pharmacy be considering any rule changes?

A. *Although the law doesn't grant specific rulemaking authority, the Board of Pharmacy, at its August meeting, will consider whether or not to draft a rule specifying the standard of practice for pharmacists on how to handle a prescription that does not meet the new requirements.*

Q: How have pharmacists traditionally handled a prescription that was illegible?

A. *The pharmacist, as a practice standard, has always had the responsibility of verifying an illegible prescription with the physician.*

Q: Will the Department prosecute practitioners who do not write prescriptions legibly and in the manner required by the law?

The purpose of the law is to improve patient safety by reducing errors in prescription medications. The law does not specify how the Department shall handle prescription writers who do not comply. The Department will work closely with the licensing boards, health care associations, and other interested groups to implement this law. As with all new laws and programs, we cannot predict what will happen in every situation, however, the Department is now focused on how best to implement the law not on how to discipline health care providers who are doing their best to learn and acclimate to this new prescription format. The Department focus the first year is to educate prescribing practitioners, pharmacists and consumers about the law. The licensing boards have a variety of options available to deal with violations, including a letter of advice that would be sent to non-compliant practitioners. This would be followed by a notice of non-compliance, and if appropriate, a citation. The licensing boards have not yet had the opportunity to address this issue.

Q. Will a pharmacist return a prescription to a patient if the script does not meet the requirements?

A. The patient should not be inconvenienced by this new requirement. Hopefully, consumers themselves, when presented with a prescription that is illegible will clarify the drug, dosage strength or other component of the prescription with the doctor before taking it to the pharmacy.

Q. Can a practitioner abbreviate the month on the script?

A. The law does not allow the practitioner to abbreviate, the month must be written out. For example, "December" not "Dec."