

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); and
- (6) varenicline
- (7) hydroquinone up to 4%; and
- (8) tretinoin up to 0.1%.

R156-83-308. Audit Reports.

In accordance with Subsection 58-83-308(3), an Internet facilitator licensed under this chapter shall provide quarterly reports to the Division containing the information listed in Subsection 58-83-308(3). The report is due on the fifteenth day of each quarter, i.e. January 15, April 15, July 15, and October 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 facilitator

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**ONLINE PRESCRIBING, DISPENSING,
AND FACILITATION LICENSING ACT RULE**

**R156-83
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