

Date: March 16, 2004

To: Wisconsin Pharmacy Examining Board

From: William Black

Re: Electronic transmission of prescription orders (Wis. Admin. Code § Phar 7.08) - Electronic Signatures- Verification by Pharmacist. AMENDED

1. Wis. Admin. Code § Phar 7.08 requires either an electronic signature or other secure method for validation. - Wis. Admin. Code § Phar 7.08 (3) provides:

“The prescribing practitioner’s electronic signature, or other secure method of validation shall be provided with a prescription order electronically transmitted via computer modem or other similar electronic device.”

a. Acceptable security procedures to validate both an electronic signature or “other secure method” used in Wis. Admin. Code § Phar 7.08

1. The pharmacy maintains a practitioner signature file for comparison where a computer generated facsimile signature is affixed. By pre-agreement with the pharmacist a practitioner may place a signature on file for comparison.

2. The pharmacy maintains a code or name file from practitioners wishing to use electronic transmission utilizing a signature that is a printed practitioner name, alpha numeric string or other numbering system for validation, but not constituting public key infrastructure. The signature, in whatever form, cannot be affixed by default, rather the practitioner must perform an affirmative act to affix the signature, contemporaneously with the electronic transmittal of the prescription order. Vendors of such systems can assist the acceptance process by educating practitioners to contact a pharmacy prior to using such systems in order to obtain agreement regarding, (a) form and content of the order, (b) assuring the pharmacist of the non default application of a signature for the system used, and; (c) any other security measures used with the electronic transmission system.

3. A public key infrastructure system could certainly be used by agreement but is not required.

b. Drug Enforcement Agency (DEA) rules related to controlled substances prescription orders

The DEA does not currently allow the electronic transmission of a prescription orders for controlled substances. A practitioner must continue to follow the current requirement of orally communicating the prescription order to a pharmacist for a schedule III-V controlled substance where a written order is neither manually signed by the practitioner and faxed to the pharmacy or provided directly to the patient. An unsigned fax prescription order for a schedule III-V controlled substance sent by a practitioner to the pharmacy will require a return telephone call by the pharmacist to the practitioner to verify the order, in similar manner to receiving an oral order.