



# Corresponding Responsibility

It's the Law.

*The California State Board of Pharmacy protects and promotes the health and safety of California consumers by pursuing the highest quality of pharmacist care and the appropriate use of pharmaceuticals through education, communication, licensing, legislation, regulation and enforcement.*

## **California State Board of Pharmacy**

2720 Gateway Oaks Drive, Suite 100

**Sacramento, CA 95833**

**Phone: (916) 518-3100**

**Fax: (916) 574-8618**

For more information, visit our website at [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov)



**California State Board of Pharmacy**

# A Pharmacist Has a Corresponding Responsibility

## Precedential Decision



You, a pharmacist, are the last line of defense in preventing controlled substances from getting into the wrong hands.

In August 2013, the Board of Pharmacy made a 2012 license revocation case a precedential decision.

In this case, the board revoked the licenses of both a Huntington Beach pharmacy and its pharmacist because the pharmacist failed to comply with **corresponding responsibility** requirements in the distribution of opioid drugs. Four patients died as a result. The decision can be read online at <http://www.pharmacy.ca.gov/enforcement/fy1011/ac103802.pdf>.

The Decision and Order concluded that a pharmacist must inquire whenever a pharmacist believes that a prescription may not have been written for a legitimate medical purpose.

The pharmacist must not fill the prescription when the results of a reasonable inquiry do not overcome concern about a prescription being written for a legitimate medical purpose.

**Just say “No.”** A pharmacist has a right and responsibility to deny a prescription if it does not seem legitimate. First, check CURES then call the prescriber, but don't rely on the number on the prescription form as it could be phony. Once verified with the prescriber, if a pharmacist still does not feel comfortable, refuse to fill the prescription.

## The Law



According to Health and Safety Code section 11153, “a prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice.”

While the prescriber has the responsibility for the proper prescribing and dispensing of controlled substances, the pharmacist filling the prescription has a **corresponding responsibility** to ensure the prescription is legal and not for purposes of abuse.

The criminal punishment for knowingly violating this law is imprisonment in county jail of up to one year and a fine of up to \$20,000.

## Red Flags



The precedential decision included a list of some of the “red flags” that warn pharmacists there could be a problem with the prescription. A pharmacist must also rely on his or her professional judgment to discern when a prescription seems suspicious.

- ▶ Irregularities on the face of the prescription itself
- ▶ Nervous patient demeanor
- ▶ Age or presentation of patient (e.g., youthful patients seeking chronic pain medications)
- ▶ Multiple patients all with the same address
- ▶ Multiple prescribers for the same patient for duplicate therapy
- ▶ Cash payments
- ▶ Requests for early refills of prescriptions
- ▶ Prescriptions written for an unusually large quantity of drugs
- ▶ Prescriptions written for duplicative drug therapy
- ▶ Initial prescriptions written for strong opiates
- ▶ Long distances traveled from the patient's home to the prescriber's office or to the pharmacy
- ▶ Irregularities in the prescriber's qualifications in relation to the type of medication(s) prescribed
- ▶ Prescriptions that are written outside of the prescriber's medical specialty
- ▶ Prescriptions for medications with no logical connection to an illness or condition

## More Red Flags from the DEA



- ▶ Patients coming to the pharmacy in groups, especially if their home addresses are outside of the pharmacy's local trade area, each with the same prescriptions issued by the same prescriber
- ▶ The same diagnosis codes for many patients
- ▶ Prescriptions written for potentially duplicative drug therapy
- ▶ The same combinations of drugs prescribed for multiple patients
- ▶ Excessively celebratory patient demeanor