

1 21 NCAC 42E .0103 is adopted with changes as published in 38:15 NCR 970-971 as follows:

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3 **21 NCAC 42E .0103 PRESCRIPTIONS PRESCRIPTIONS; DISPENSING**

4 (a) All prescription forms shall conform to 21 N.C.A.C. 46 .2301 state and federal statutes governing such forms and
5 shall include the name, address, state licensure number, and the Drug Enforcement Administration number of the
6 prescriber, if applicable. The provisions of 16 C.F.R. 315.2 and 16 C.F.R. 456.1(g) are hereby incorporated by
7 reference, including subsequent amendments and editions. The provisions of the Code of Federal Regulations (C.F.R.)
8 cited in this rule may be accessed at no charge at <https://www.ecfr.gov/current/title-16>. The optometrist shall be
9 responsible for ~~providing~~ implementing appropriate ~~safeguards~~ safeguards, including but not limited to the optometrist
10 keeping a physical prescription pad in his or her personal possession or under lock and key at all times and password-
11 protecting his or her electronic prescription form, within his ~~or her~~ practice to prevent the unauthorized use ~~or diversion~~
12 of his ~~or her~~ prescription forms, and shall immediately notify the Board upon determining that prescription blanks
13 might be missing or misused. ~~Should missing prescription blanks bear his DEA number, the optometrist shall also~~
14 ~~notify the North Carolina State Board of Pharmacy, giving that board the date he determined that the prescriptions~~
15 ~~blanks were missing or misused, the number missing, and any information that could be of help in preventing~~
16 ~~unauthorized use of the prescription blanks.~~

17 (b) Any optometrist licensed by the Board who wishes to dispense drugs pursuant to G.S. 90-127.4 must first register
18 with the North Carolina Board of Pharmacy pursuant to G.S. 90-85.26B. In the event that legend drugs being
19 prescribed by the optometrist are dispensed by the optometrist, the optometrist shall cause the following written or
20 printed information to be given to the patient for each such drug dispensed at the time the drug is dispensed:

- 21 (1) — date of issuance;
22 (2) — name and address of patient;
23 (3) — name, address and telephone number of prescriber;
24 (4) — name, strength, dosage form and quantity of drug dispensed;
25 (5) — the number of refills, if authorized;
26 (6) — route of administration of drug dispensed; and
27 (7) — directions for use.

28 (c) Any optometrist licensed by the Board ~~Within one year of examination, a patient may request and is entitled to~~
29 ~~and shall provide their patients receive~~ a copy of his ~~or her~~ ~~spectacle eyeglass prescription~~ prescription, once such
30 prescription is determined and finalized, consistent that complies with Federal Trade Commission regulations, rules
31 and guidelines. The prescription may show a statement of caution or a disclaimer if such a statement or disclaimer is
32 supported by appropriate findings and documented patient records. The provisions of 16 C.F.R. 456.2(a) are hereby
33 incorporated by reference, including subsequent amendments and editions. An expiration date of not less than one
34 year from the date of the prescribing examination shall appear on every such prescription. The prescription may show
35 a statement of caution or a disclaimer if such a statement or disclaimer is supported by appropriate findings and
36 documented patient records.

1 (d) Any optometrist licensed by the Board shall provide their patients a copy of his or her contact lens prescription,
2 once determined and finalized, consistent with Federal Trade Commission regulations. ~~rules~~ The provisions of 16
3 C.F.R. 315.4 are hereby incorporated by reference, including subsequent amendments and edition. A prescription for
4 contact lenses shall ~~comply with Federal Trade Commission rules and guidelines and~~ explicitly state that it is for
5 contact lenses and specify the lens type and all specifications necessary for the ordering and fabrication of the lenses.
6 Words or phrases such as "OK for contact lenses", "fit with contact lenses", "contact lenses may be worn", or similar
7 wording do not constitute a contact lens prescription. Until all the requirements of a satisfactory fit of contact lenses
8 have been determined by the prescriber, the contact lens prescription cannot be written. The prescriber cannot write
9 the contact lens prescription until all the requirements of a satisfactory fit of contact lenses have been determined by
10 the prescriber. All contact lenses used in the determination of a contact lens prescription are considered to be
11 diagnostic lenses. At such time that it has been determined that a prescription can be written, such prescription may
12 show a statement of caution or a disclaimer if such a statement or disclaimer is supported by appropriate findings and
13 documented patient records. An expiration date consistent with the type and modality of use of the contact lens being
14 prescribed shall appear on every such prescription. An expiration date of not less than one year from the date of the
15 prescribing examination shall appear on every such prescription unless there is a medical justification for a shorter
16 duration. If the prescriber has such a medical justification, the prescriber must document the medical reason for the
17 shorter expiration date in the patient's medical record consistent with Federal Trade Commission regulations. The
18 provisions of 16 C.F.R. 315.6(a)(3) and (b)(1) are hereby incorporated by reference, including subsequent
19 amendments and editions. In the event that in the professional opinion of the prescribing optometrist, If a patient is
20 not adhering to appropriate regimens of care and follow-up with regard to the continuing use of contact lenses, the
21 prescribing optometrist may terminate his optometric care ~~of~~ for that patient and notify the patient that he or she is
22 terminating such relationship and the reasons for doing so.

23 (e) An optometrist shall provide a copy of a requesting patient's eyeglass prescription or contact lens prescription so
24 long as the requested prescription has not expired.

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26 *History Note: Authority G.S. 90-114; 90-117.5; 90-127.2; 90-127.3;*

27 *Eff. June 1, 1989;*

28 *Amended Eff. April 1, 1993;*

29 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23,*
30 *2015.*

31 *Amended Eff. June 1, 2024*

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