

21 NCAC 46 .1801 is amended **with changes** as published in 29:20 NCR 2343 as follows:

**21 NCAC 46 .1801      EXERCISE OF PROFESSIONAL JUDGMENT IN FILLING PRESCRIPTIONS**  
**RIGHT TO REFUSE A PRESCRIPTION**

(a) A pharmacist or device and medical equipment dispenser ~~may~~ **has** shall have a right to refuse to fill or refill a prescription ~~order~~ order, if, if doing so would be contrary to his or her in his professional judgment. judgment, it would be harmful to the recipient, is not in the recipient's best interest or if there is a question as to its validity.

(b) A pharmacist or device and medical equipment dispenser shall not fill or refill a prescription order if, in the exercise of professional judgment, there is or reasonably [should] may be a question regarding the order's accuracy, validity, authenticity, or safety for the patient. the order was issued without a physical examination of the patient and in the absence of a prior prescriber patient relationship, unless:

- (1) ~~the prescription order was issued for the patient by a psychiatrist;~~
- (2) ~~the prescription order was issued for the patient after discussion of the patient status with a treating psychologist, therapist, or physician;~~
- (3) ~~the prescription order was ordered by a physician for flu vaccinations for groups of patients or members of the public;~~
- (4) ~~the prescription order was for prophylactic purposes, such as the ordering of antibiotics by a pediatrician for members of a child's family when the child has a positive strep test;~~
- (5) ~~the prescription order was an emergency order for medication related to pregnancy prevention; or~~
- (6) ~~the prescription was an order for medications to be taken by groups traveling to foreign countries.~~

(c) A prescription order is valid only if it is a lawful order for a drug, [device] device, or medical equipment issued by a health care provider for a legitimate medical purpose, in the context of a [valid] patient-prescriber relationship, and in the course of legitimate professional practice as recognized by the occupational licensing board governing the health care provider.

*History Note: Authority G.S. 90-85.6; 90-85.32;*

*Eff. April 1, 1983;*

*Amended Eff. August 1, 2015; February 1, 2007; March 1, 2004; April 1, 2003; September 1, 1995.*