

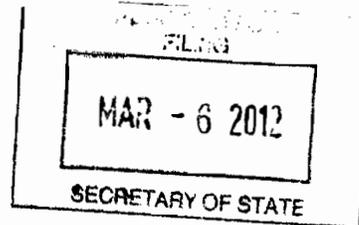
# Rule-Making Cover Sheet

MAPA-1

**TO:** Secretary of State  
**ATTN:** Administrative Procedure Officer,  
State House Station 101, Augusta, Maine 04333.

2012-70

- Agency:** Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Maine Board of Pharmacy
- Agency umbrella and unit number:** 02-392  
(2 digit umbrella # and 3 digit unit #)
- Title of rule:** Patient Counseling
- Chapter number assigned to the rule:** 25  
(must be 3 digits or less)
- Date(s)/method(s) of notice:** Newspaper advertisement by Secretary of State, 10-12-11; mailing to interested parties, 09-29-11; posting on OPOR's web site, 09-28-11
- Date(s)/place(s) of hearing(s):** 11-03-11, Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, ME



- 7-A. **Type:**  new rule  partial amendment(s) of existing rule  
 suspension of existing rule  repeal of rule  emergency rule  
 repeal and replace: complete replacement of existing chapter, with former version simultaneously repealed.

8. **Name/phone of agency contact person:** Geraldine Betts, Board Administrator, (207) 624-8625

9. **If a major substantive rule under Title 5, c. 375, sub-CII-A, check one of the following**

- Provisional adoption (prior to Legislative review)  Final adoption  
 Emergency adoption of major-substantive rule

10. **Certification Statement:** I, Joseph Bruno, hereby certify that the attached is a true copy of the rule(s) described above and lawfully adopted by the Maine Board of Pharmacy on February 2, 2012.

**Signature:** \_\_\_\_\_

(original signature, personally signed by the head of agency)

**Printed Name & Title:** Joseph Bruno, Board President

11. **Approved as to form and legality by the Attorney General on** \_\_\_\_\_

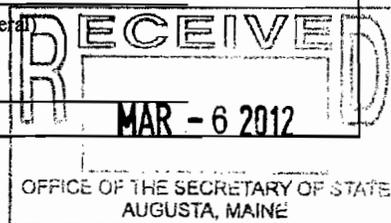
3/1/12  
(date)

**Signature:** \_\_\_\_\_

(original signature, personally signed by an Assistant Attorney General)

**Printed Name:** \_\_\_\_\_

Christopher M. Mann



**EFFECTIVE DATE:** MAR 1 1 2012

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION****392 MAINE BOARD OF PHARMACY****Chapter 25: PATIENT COUNSELING**

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**Summary:** This chapter sets forth the pharmacist's obligation to counsel patients.

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**1. New Prescription Drug Orders**

With each new prescription dispensed, the pharmacist shall:

**1. Review**

Review the individual's patient profile for the following potential drug therapy problems:

- A. Therapeutic duplication;
- B. Drug disease contraindications when such information has been provided to the pharmacist;
- C. Drug interactions;
- D. Incorrect drug dosage or duration;
- E. Drug allergy interactions; and
- F. Clinical abuse or misuse.

**2. Explain**

Orally explain to the patient or the authorized agent of the patient the directions for use and any additional information, in writing if necessary, to assure the proper utilization of the medication or device prescribed. Such explanations may include, but are not limited to, the following:

- A. Name and description of the medication;
- B. Dosage form, dosage, route of administration and duration of therapy;
- C. Special directions, precautions for the preparation, administration and use by the patient;
- D. Common significant side effects, adverse effects of interactions, and therapeutic contraindications;

- E. Techniques for self monitoring;
- F. Proper storage;
- G. Refill information; and
- H. Actions in the case of missed dosages.

For prescriptions which are not supplied directly to the patient or to the caregiver responsible for administering the medication or device to the patient, the pharmacist shall make the required counseling available to the patient through access to a telephone service which is toll-free for long distance calls.

## **2. Refill Prescription Drug Orders**

With each refill prescription dispensed, the pharmacist shall offer to counsel the patient on the medication or device being dispensed, or to review with the patient the clinical information provided with the initial dispensing. This offer may be made in the manner determined by the professional judgment of the pharmacist, and may include any one or more of the following:

1. Face-to-face communication with the pharmacist or designee;
2. A notation affixed to or written on the bag in which the prescription is dispensed;
3. A notation contained on the prescription container; or
4. Telephone conversation.

The offer to counsel may be made by a designee of the pharmacist, but only the pharmacist may counsel the patient.

## **3. Refusal to Accept Counseling**

Nothing in this chapter shall be construed as requiring a pharmacist to provide counseling when the patient, the patient's caregiver or the authorized agent of the patient refuses to accept counseling. The pharmacist shall document the refusal.

## **4. Documentation of Intervention**

The pharmacist shall record in the patient profile any significant intervention in the patient's medication utilization that has occurred, in the judgment of the pharmacist, as a result of the counseling required by this chapter.

## **5. Patients in Hospital or Institution**

The obligation to perform or offer counseling set forth in Section 1(2) and Section 2 of this chapter does not apply to those prescriptions for patients in hospitals or institutions where the medication is to be administered by a nurse or other individual licensed to administer

medications or to those prescriptions for patients who are to be discharged from a hospital or institution.

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STATUTORY AUTHORITY: 32 M.R.S.A. §§13720, 13721(1), 13722, 13723, 13784

EFFECTIVE DATE:

November 8, 2004 - filing 2004-527