



Application for Permit to Dispense Drugs

Arkansas State Medical Board

1401 West Capitol, Suite 340, Little Rock, AR 72201 501-296-1802 501-296-1805 Fax
www.armedicalboard.org

Name _____ License Number _____

1. Legend drugs you wish to dispense: _____

Note: A prescription for a topical medication, Naloxone or contraceptives is exempt from subdivision (d)(3) of this section. Sample drugs are also exempt. (DO NOT complete Questions 2 through 9 regarding topical medications, Naloxone or contraceptives).

2. At what address will the drugs be dispensed? _____

3. What is your patients' ability to obtain the legend drugs from other medical professionals? _____

4. What is the availability of the legend drugs to be prescribed by you? _____

5. What hours can the legend drugs be obtained from other medical professionals? _____

6. What is the distance your patients must travel to obtain legend drugs from other medical professionals? _____

7. Have you ever been investigated by the Medical Board concerning improper prescribing or use of legend drugs? Yes No

8. Do you have a financial relationship with the manufacturer of the legend drug that would create the appearance of a conflict of interest? Yes No

9. Will dispensing legend drugs foster cost containment through improved efficiency and productivity? Yes No

This is to certify that I have read Act 515 of 1983, Act 1169 of 2013, and Act 284 of 2017, and agree to personally fill, label and dispense all drugs dispensed by me; I will monitor to guard against potential drug interactions; I will store and safeguard the legend drugs; I will comply with Ark. Code Ann. §20-7-601 concerning reporting requirements to the Prescription Drug Monitoring Program; and that I am subject to routine inspections at all times by an inspector or representative of the Arkansas State Medical Board.

Legibly Print or Type Name of Applicant

Signature of applicant (physician)

Date

Signature of ASMB Chairman

Date

Title 17 Professions, Occupations, and Businesses
Subtitle 3. Medical Professions
Chapter 95 Physicians and Surgeons
Subchapter 1 -- General Provisions

A.C.A. § 17-95-102 (2017)

17-95-102. Legend drugs.

(a) A dispensing physician is a physician licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., who purchases legend drugs to be dispensed to his or her patients for the patients' personal use and administration outside the physician's office.

(b) This section shall not apply to physicians who only dispense drugs in injectable form unless they are controlled substances, in which case the section shall fully apply.

(c) The dispensing physician shall:

(1) Personally dispense legend drugs, and the dispensing of such drugs may not be delegated;

(2) Keep records of all receipts and distributions of legend drugs. The records shall be subject to inspection by the proper enforcement authority and shall be readily accessible for inspection and maintained in a central registry; and

(3) Label legend drugs with the following information:

(A) Patient's name and address;

(B) Prescribing physician's address and narcotic registry number issued by the Drug Enforcement Administration of the United States Department of Justice;

(C) Date of dispensing; and

(D) Directions and cautionary statements, if any, as required by law.

(d) (1) A physician licensed under the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq., shall not dispense legend drugs without prior approval by the Arkansas State Medical Board after application to the board and on the showing of need.

(2) Licensed physicians who were dispensing in the ordinary course of their practice before April 12, 2013, shall be exempt from the requirements of this subsection.

(3) The board shall determine whether need exists for a physician to dispense a specific legend drug to the physician's patient for a patient's personal use and administration outside of the physician's office based on such information as is necessary for the board to determine:

(A) The legend drug or drugs that the physician requests to dispense;

(B) The ability of a physician's patient to obtain the legend drug from other medical

professionals;

(C) The availability of the legend drug to be prescribed by the physician;

(D) The hours at which the legend drug may be obtained from other medical professionals;

(E) The distance the physician's patient must travel to obtain the legend drug from other medical professionals;

(F) Whether the physician has been investigated by the board concerning the improper prescribing or use of a legend drug;

(G) Whether the physician has a financial relationship with the manufacturer of a legend drug that would create the appearance of a conflict of interest;

(H) Whether the physician dispensing a legend drug will foster cost containment through improved efficiency and productivity; and

(I) The procedures the physician has implemented to:

(i) Assure compliance with the requirements of subsection (c) of this section;

(ii) Monitor and guard against potential drug interactions;

(iii) Store and safeguard the legend drugs; and

(iv) Comply with the Prescription Drug Monitoring Program Act, § 20-7-601 et seq., concerning the reporting requirements to the Prescription Drug Monitoring Program.

(4) A prescription for a topical medication, Naloxone, or contraceptives is exempt from subdivision (d)(3) of this section.

(e) The board shall enforce the provisions of this section and is authorized and directed to adopt regulations to carry out its purpose.

HISTORY: Acts 1983, No. 515, §§ 1-4; A.S.A. 1947, §§ 72-638 -- 72-641; Acts 1987, No. 190, § 1; 2013, No. 1169, § 1; 2017, No. 284, § 5.

REGULATION NO. 12

1. Pursuant to other provisions of Act 515 of 1983 any physician licensed to practice medicine in the state of Arkansas who is a "dispensing physician" as defined by Act 515 of 1983 shall comply with all provisions of the Act and shall register with the Arkansas State Medical Board on a form provided by it for that purpose.

2. Any physician desiring to dispense legend drugs, who is not exempt by the terms of Act 515 of 1983 from the requirement of prior approval of the Arkansas State Medical Board shall apply to the Board on a form provided for it for that purpose and shall be required to demonstrate the need for such dispensing of legend drugs prior to receiving approval.

3. All records maintained by a dispensing physician pursuant to the requirements of Act 515 of 1983 shall be subject to inspection by a designated inspector of the Arkansas State Medical Board and at its direction during all regular business hours.

4. Violation of the provision of Act 515 of 1983 or violations of these regulations shall constitute "unprofessional conduct" and shall subject the violator to disciplinary action as provided by Ark. Code Ann. 17-95-409.

History: Adopted June 16, 1983.