

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-248
HOUSE BILL 1369**

AN ACT PERTAINING TO THE PRESERVATION OF PRESCRIPTION DRUG ORDERS BY PHARMACIES AND TO PERMIT MEDICAL CONSENT AND AUTHORIZATION FORMS TO BE KEPT IN THE SAME ELECTRONIC FORMAT AS OTHER MEDICAL RECORDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-85.26 reads as rewritten:

"§ 90-85.26. Prescription orders preserved.

(a) Every pharmacist-manager of a pharmacy shall maintain for at least three years the original of every prescription order and refill compounded or dispensed at the pharmacy except for prescription orders recorded in a patient's medical record. An automated data processing system may be used for the storage and retrieval of refill information for prescriptions pursuant to the regulations of the Board. A pharmacist-manager may comply with this section by capturing and maintaining an electronic image of a prescription order or refill. An electronic image of a prescription order or refill shall constitute the original prescription order, and a hard copy of the prescription order or refill is not required to be maintained. If a pharmacist-manager elects to maintain prescription orders by capturing electronic images of prescription orders or refills, the pharmacy's computer system must be capable of maintaining, printing, and providing in an electronic or paper format, upon a request by the Board, all of the information required by this Chapter or rules adopted pursuant to this Chapter within 48 hours of such a request.

(b) Every pharmacy permittee's designated agent shall maintain documentation of alleged medication errors and incidents described in G.S. 90-85.47(e)(1) for which the pharmacy permittee has knowledge."

SECTION 2. G.S. 90-106(h) reads as rewritten:

"(h) A pharmacist dispensing a controlled substance under this Article shall enter the date of dispensing on the prescription order ~~and shall write his own signature on the face of the prescription~~ pursuant to which such controlled substance was dispensed."

SECTION 3. G.S. 90-412(a) reads as rewritten:

"(a) Notwithstanding any other provision of law, any health care provider or facility licensed, certified, or registered under the laws of this State or any unit of State or local government may create and maintain medical records in an electronic format. The health care provider, facility, or governmental unit shall not be required to maintain a separate paper copy of the electronic medical record; ~~however, when a consent to treatment or authorization to disclose medical record information is contained in a paper writing, the writing shall be preserved in a durable medium, and its existence and location shall be noted in the electronic record.~~ A health care provider, facility, or governmental unit shall maintain electronic medical records in a legible and retrievable form, including adequate data backup."

SECTION 4. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 11th day of
July, 2007.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 3:20 a.m. this 20th day of July, 2007