



SPONSOR: Rep. Heffernan & Rep. Baumbach & Sen. McDowell  
Reps. Bentz, Lynn, Mitchell, Ramone, Seigfried; Sens.  
Ennis, Hocker, Paradee, Sokola, Townsend

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 115

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PRESCRIPTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 5, of Title 24, of the Delaware Code by making deletions as shown by strike through,  
2 insertions as shown by underline and redesignating as follows:

3 § 502 Definitions.

4 ( ) “Electronic prescription means a prescription that is generated on an electronic application and transmitted as  
5 an electronic data file.

6 § 518A. Prescription requirements.

7 (a) No written prescription shall be prescribed if it does not contain the following information clearly written,  
8 clearly hand printed, electronically printed, or typed:

9 (1) The name, address and phone number of the prescriber;

10 (2) The name and strength of the drug prescribed;

11 (3) The quantity of the drug prescribed;

12 (4) The directions for use of the drug;

13 (5) Date of issue.

14 (b) Notwithstanding any other provision of this section or any other law to the contrary, no person licensed under  
15 this Chapter shall issue any prescription unless such prescription is made by electronic prescription from the person issuing  
16 the prescription to a pharmacy in accordance with regulations established by the Board, except for prescriptions:

17 (1) issued by a veterinarian.

18 (2) issued in circumstances where electronic prescribing is not available due to temporary technological or  
19 electrical failure, as set forth in regulation established by the Board.

20 (3) issued by a practitioner to be dispensed by a pharmacy located outside the state, as set forth in regulations  
21 established by the Board.

22 (4) issued when the prescriber and dispenser are the same entity.

23 (5) issued that include elements that are not supported by the most recently implemented version of the  
24 National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard.

25 (6) issued by a practitioner for a drug that the Federal Food and Drug Administration requires the prescription  
26 to contain certain elements that are not able to be accomplished with electronic prescribing.

27 (7) issued by a practitioner allowing for the dispensing of a non-patient specific prescription pursuant to a  
28 standing order, approved protocol for drug therapy, collaborative drug management or comprehensive medication  
29 management, in response to a public health emergency, or other circumstances where the practitioner may issue a non-  
30 patient specific prescription.

31 (8) issued by a practitioner prescribing a drug under a research protocol.

32 (9) issued by practitioners who have received a waiver or a renewal thereof for a specified period determined  
33 by the Board, not to exceed one year, from the requirement to use electronic prescribing, pursuant to regulations  
34 established by the Board, due to economic hardship, technological limitations that are not reasonably within the control  
35 of the practitioner, or other exceptional circumstance demonstrated by the practitioner.

36 (10) issued by a practitioner under circumstances where, notwithstanding the practitioner's present ability to  
37 make an electronic prescription as required by this subsection, such practitioner reasonably determines that it would be  
38 impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner, and such delay  
39 would adversely impact the patient's medical condition.

40 (c) A pharmacist who receives a written, oral or faxed prescription is not required to verify that the prescription  
41 properly falls under one of the exceptions under subsection (b) of this section, from the requirement to electronically  
42 prescribe. Pharmacists may continue to dispense medications from otherwise valid written, oral or fax prescriptions that are  
43 otherwise legal.

44 Section 2. Amend Chapter 11, of Title 24 of the Delaware Code by making deletions as shown by strike through,  
45 insertions as shown by underline and redesignating as follows:

46 § 1101 Definitions.

47 ( ) “Electronic prescription means a prescription that is generated on an electronic application and transmitted as  
48 an electronic data file.

49 § 1137. Prescription requirements.

50 (a) No written prescription shall be prescribed if it does not contain the following information clearly written,  
51 clearly hand printed, electronically printed, or typed:

52 (1) The name, address and phone number of the prescriber;

- 53 (2) The name and strength of the drug prescribed;  
54 (3) The quantity of the drug prescribed;  
55 (4) The directions for use of the drug;  
56 (5) Date of issue.

57 (b) Notwithstanding any other provision of this section or any other law to the contrary, no person licensed under  
58 this Chapter shall issue any prescription unless such prescription is made by electronic prescription from the person issuing  
59 the prescription to a pharmacy in accordance with regulations established by the Board, except for prescriptions:

60 (1) issued by a veterinarian.

61 (2) issued in circumstances where electronic prescribing is not available due to temporary technological or  
62 electrical failure, as set forth in regulation established by the Board.

63 (3) issued by a practitioner to be dispensed by a pharmacy located outside the state, as set forth in regulations  
64 established by the Board.

65 (4) issued when the prescriber and dispenser are the same entity.

66 (5) issued that include elements that are not supported by the most recently implemented version of the  
67 National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard.

68 (6) issued by a practitioner for a drug that the Federal Food and Drug Administration requires the prescription  
69 to contain certain elements that are not able to be prescribed with electronic prescribing.

70 (7) issued by a practitioner allowing for the dispensing of a non-patient specific prescription pursuant to a  
71 standing order, approved protocol for drug therapy, collaborative drug management or comprehensive medication  
72 management, in response to a public health emergency, or other circumstances where the practitioner may issue a non-  
73 patient specific prescription.

74 (8) issued by a practitioner prescribing a drug under a research protocol.

75 (9) issued by practitioners who have received a waiver or a renewal thereof for a specified period determined  
76 by the Board, not to exceed one year, from the requirement to use electronic prescribing, pursuant to regulations  
77 established by the Board, due to economic hardship, technological limitations that are not reasonably within the control  
78 of the practitioner, or other exceptional circumstance demonstrated by the practitioner.

79 (10) issued by a practitioner under circumstances where, notwithstanding the practitioner's present ability to  
80 make an electronic prescription as required by this subsection, such practitioner reasonably determines that it would be  
81 impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner, and such delay  
82 would adversely impact the patient's medical condition.

83           (c) A pharmacist who receives a written, oral or faxed prescription is not required to verify that the prescription  
84 properly falls under one of the exceptions under subsection (b) of this section, from the requirement to electronically  
85 prescribe. Pharmacists may continue to dispense medications from otherwise valid written, oral or fax prescriptions that are  
86 otherwise legal.

87           Section 3. Amend Chapter 17, of Title 24 of the Delaware Code by making deletions as shown by strike through,  
88 insertions as shown by underline and redesignating as follows:

89           § 1702 Definitions.

90           ( ) “Electronic prescription means a prescription that is generated on an electronic application and transmitted as  
91 an electronic data file.

92           § 1764A. Prescription requirements.

93           (a) No written prescription shall be prescribed if it does not contain the following information clearly written,  
94 clearly hand printed, electronically printed, or typed:

95                   (1) The name, address and phone number of the prescriber;

96                   (2) The name and strength of the drug prescribed;

97                   (3) The quantity of the drug prescribed;

98                   (4) The directions for use of the drug;

99                   (5) Date of issue.

100           (b) Notwithstanding any other provision of this section or any other law to the contrary, no person licensed under  
101 this Chapter shall issue any prescription unless such prescription is made by electronic prescription from the person issuing  
102 the prescription to a pharmacy in accordance with regulations established by the Board, except for prescriptions:

103                   (1) issued by a veterinarian.

104                   (2) issued in circumstances where electronic prescribing is not available due to temporary technological or  
105 electrical failure, as set forth in regulation established by the Board.

106                   (3) issued by a practitioner to be dispensed by a pharmacy located outside the state, as set forth in regulations  
107 established by the Board.

108                   (4) issued when the prescriber and dispenser are the same entity.

109                   (5) issued that include elements that are not supported by the most recently implemented version of the  
110 National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard.

111                   (6) issued by a practitioner for a drug that the Federal Food and Drug Administration requires the prescription  
112 to contain certain elements that are not able to be prescribed with electronic prescribing.

113           (7) issued by a practitioner allowing for the dispensing of a non-patient specific prescription pursuant to a  
114 standing order, approved protocol for drug therapy, collaborative drug management or comprehensive medication  
115 management, in response to a public health emergency, or other circumstances where the practitioner may issue a non-  
116 patient specific prescription.

117           (8) issued by a practitioner prescribing a drug under a research protocol.

118           (9) issued by practitioners who have received a waiver or a renewal thereof for a specified period determined  
119 by the Board, not to exceed one year, from the requirement to use electronic prescribing, pursuant to regulations  
120 established by the Board, due to economic hardship, technological limitations that are not reasonably within the control  
121 of the practitioner, or other exceptional circumstance demonstrated by the practitioner.

122           (10) issued by a practitioner under circumstances where, notwithstanding the practitioner's present ability to  
123 make an electronic prescription as required by this subsection, such practitioner reasonably determines that it would be  
124 impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner, and such delay  
125 would adversely impact the patient's medical condition.

126           (c) A pharmacist who receives a written, oral or faxed prescription is not required to verify that the prescription  
127 properly falls under one of the exceptions under subsection (b) of this section, from the requirement to electronically  
128 prescribe. Pharmacists may continue to dispense medications from otherwise valid written, oral or fax prescriptions that are  
129 otherwise legal.

130           Section 4. Amend Chapter 19, Title 24 of the Delaware Code by making deletions as shown by strike through,  
131 insertions as shown by underline and redesignating as follows:

132           § 1902 Definitions.

133           ( ) “Electronic prescription means a prescription that is generated on an electronic application and transmitted as  
134 an electronic data file.

135           § 1927. Prescription requirements.

136           An APRN licensed by the Board may prescribe, order, procure, administer, store, dispense and furnish over the  
137 counter, legend and controlled substances pursuant to applicable state and federal laws and within the APRN's role and  
138 population focus.

139           (1) Written, verbal or electronic prescriptions and orders shall comply with all applicable state and federal  
140 laws.

141           (2) All prescriptions shall be clearly written, clearly hand-printed, electronically printed, or typed and shall  
142 include, but not be limited to, the following information:

- 143 a. The name, title, address, phone number, and registration number of the prescriber;
- 144 b. Name of patient;
- 145 c. Date of prescription;
- 146 d. Full name of the drug, dosage, route, amount to be dispensed and directions for its use;
- 147 e. Number of refills;
- 148 f. Signature of prescriber on written prescription;
- 149 g. DEA number of the prescriber on all scheduled drugs.

150 (3) APRNs may receive, sign for, record and distribute samples to patients. Distribution of drug samples shall  
151 be in accordance with state law and federal Drug Enforcement Administration laws, regulations and guidelines.

152 (4) Notwithstanding any other provision of this section or any other law to the contrary, no person licensed  
153 under this Chapter shall issue any prescription unless such prescription is made by electronic prescription from the  
154 person issuing the prescription to a pharmacy in accordance with regulations established by the Board, except for  
155 prescriptions:

- 156 a. issued by a veterinarian.
- 157 b. issued in circumstances where electronic prescribing is not available due to temporary technological or  
158 electrical failure, as set forth in regulation established by the Board.
- 159 c. issued by a practitioner to be dispensed by a pharmacy located outside the state, as set forth in  
160 regulations established by the Board.
- 161 d. issued when the prescriber and dispenser are the same entity.
- 162 e. issued that include elements that are not supported by the most recently implemented version of the  
163 National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard.
- 164 f. issued by a practitioner for a drug that the Federal Food and Drug Administration requires the  
165 prescription to contain certain elements that are not able to be prescribed with electronic prescribing.
- 166 g. issued by a practitioner allowing for the dispensing of a non-patient specific prescription pursuant to a  
167 standing order, approved protocol for drug therapy, collaborative drug management or comprehensive medication  
168 management, in response to a public health emergency, or other circumstances where the practitioner may issue a  
169 non-patient specific prescription.
- 170 h. issued by a practitioner prescribing a drug under a research protocol.
- 171 i. issued by practitioners who have received a waiver or a renewal thereof for a specified period  
172 determined by the Board, not to exceed one year, from the requirement to use electronic prescribing, pursuant to

173 regulations established by the Board, due to economic hardship, technological limitations that are not reasonably  
174 within the control of the practitioner, or other exceptional circumstance demonstrated by the practitioner.

175 j. issued by a practitioner under circumstances where, notwithstanding the practitioner's present ability to  
176 make an electronic prescription as required by this subsection, such practitioner reasonably determines that it  
177 would be impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner,  
178 and such delay would adversely impact the patient's medical condition.

179 (5) A pharmacist who receives a written, oral or faxed prescription is not required to verify that the  
180 prescription properly falls under one of the exceptions under subsection (4) of this section, from the requirement to  
181 electronically prescribe. Pharmacists may continue to dispense medications from otherwise valid written, oral or fax  
182 prescriptions that are otherwise legal.

183 Section 5. Amend Chapter 21, Title 24 of the Delaware Code by making deletions as shown by strike through,  
184 insertions as shown by underline and redesignating as follows:

185 § 2122. Prescription requirements.

186 (a) No written prescription shall be prescribed if it does not contain the following information clearly written,  
187 clearly hand printed, electronically printed, or typed:

188 (1) The name, address and phone number of the prescriber;

189 (2) The name and strength of the drug prescribed;

190 (3) The quantity of the drug prescribed;

191 (4) The directions for use of the drug;

192 (5) Date of issue.

193 (b) For purposes of this Chapter, "electronic prescription" means a prescription that is generated on an electronic  
194 application and transmitted as an electronic data file. Notwithstanding any other provision of this section or any other law  
195 to the contrary, no person licensed under this Chapter shall issue any prescription unless such prescription is made by  
196 electronic prescription from the person issuing the prescription to a pharmacy in accordance with regulations established by  
197 the Board, except for prescriptions:

198 (1) issued by a veterinarian.

199 (2) issued in circumstances where electronic prescribing is not available due to temporary technological or  
200 electrical failure, as set forth in regulation established by the Board.

201 (3) issued by a practitioner to be dispensed by a pharmacy located outside the state, as set forth in regulations  
202 established by the Board.

203           (4) issued when the prescriber and dispenser are the same entity.

204           (5) issued that include elements that are not supported by the most recently implemented version of the  
205 National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard.

206           (6) issued by a practitioner for a drug that the Federal Food and Drug Administration requires the prescription  
207 to contain certain elements that are not able to be prescribed with electronic prescribing.

208           (7) issued by a practitioner allowing for the dispensing of a non-patient specific prescription pursuant to a  
209 standing order, approved protocol for drug therapy, collaborative drug management or comprehensive medication  
210 management, in response to a public health emergency, or other circumstances where the practitioner may issue a non-  
211 patient specific prescription.

212           (8) issued by a practitioner prescribing a drug under a research protocol.

213           (9) issued by practitioners who have received a waiver or a renewal thereof for a specified period determined  
214 by the Board, not to exceed one year, from the requirement to use electronic prescribing, pursuant to regulations  
215 established by the Board, due to economic hardship, technological limitations that are not reasonably within the control  
216 of the practitioner, or other exceptional circumstance demonstrated by the practitioner.

217           (10) issued by a practitioner under circumstances where, notwithstanding the practitioner's present ability to  
218 make an electronic prescription as required by this subsection, such practitioner reasonably determines that it would be  
219 impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner, and such delay  
220 would adversely impact the patient's medical condition.

221           (c) A pharmacist who receives a written, oral or faxed prescription is not required to verify that the prescription  
222 properly falls under one of the exceptions under subsection (b) of this section, from the requirement to electronically  
223 prescribe. Pharmacists may continue to dispense medications from otherwise valid written, oral or fax prescriptions that are  
224 otherwise legal.

225           ~~(b)~~(e) Optometrists who apply for a provider identifier number for controlled substances shall do so as outlined  
226 by the Division of Professional Regulation.

227           ~~(e)~~(f) A completed application must provide proof of graduate level coursework that includes general and ocular  
228 pharmacology.

229           ~~(d)~~(g) Controlled substances registration must include both of the following:

230           (1) Optometrists must register with the Drug Enforcement Agency [DEA] and use such DEA number for  
231 controlled substance prescriptions.



232 (2) Optometrists must register biennially with the Office of Controlled Substances in accordance with § 4732  
233 of Title 16.

234 Section 6. This Act shall go into effect on January 1, 2021.

SYNOPSIS

This Bill requires Podiatrists, Dentists, Doctors, Nurses and Optometrists who issue prescriptions to utilize electronic prescriptions except under certain exceptions.