

Virginia Board of Pharmacy

Life of a Prescription When the Prescriber Is No Longer In Practice

Whenever a prescriber is no longer in practice due to death, extended illness, retirement, relocation, suspension or revocation of the license by the relevant licensing board, or other reason, pharmacists question whether they can fill or continue to refill prescriptions that were written prior to the cessation of practice. There will be prescriptions which have been filled, but for which there are still valid refills remaining. There will probably also be prescriptions written prior to the ceasing of practice, but not yet presented to a pharmacy for filling by the patient for any number of reasons. This could include Schedule II prescriptions written with "do not fill until <future date>" instructions.

While there is nothing in law that specifically addresses this issue, §54.1-3303 does state that no prescription shall be filled which does not result from a bona fide practitioner-patient-pharmacist relationship. At the point in time when the prescription was written and refills authorized, it is assumed that a bona fide relationship existed and that the prescriber envisioned that the patient could safely receive the authorized refills without further intervention on his part. However, while still in practice, the prescriber would be available for consultation should questions or problems arise. Once the prescriber retires, is suspended, moves from the area, etc. he is no longer available for consultation, and there is no longer a relationship if a problem occurs.

The Board believes that, in the absence of any specific instructions from the original prescriber or a subsequent practitioner assuming medical care of the patient, the decision to fill or refill these prescriptions should be left to the professional judgment of the pharmacist. Each prescription should be evaluated on an individual basis to determine which course of action would be in the best interest of the patient. At the same time, each patient should be encouraged to establish a relationship with a new medical practitioner as soon as possible and have that practitioner write new prescriptions for any required drugs. In cases where a license is denied, suspended, revoked, or restricted, in whole or part, because of illegal or inappropriate prescribing practices, the pharmacist must carefully evaluate the prescription and any remaining refills to determine if the prescription actually resulted from a bona fide practitioner-patient relationship at the time written, and if it was written for a legitimate medical purpose.