

## HEALTH CARE ALERT

November 25, 2009

### Amendments to the Puerto Rico Pharmacy Act signed into law

On November 16, 2009, the Governor of Puerto Rico signed into law Act 138 of 2009, which amends the Puerto Rico Pharmacy Act to add “Electronically generated and transmitted prescription” and “Electronic signature” definitions to the Act. The addition of these definitions allows a physician to electronically transmit prescriptions to any pharmacy selected by the patient as long as the physician’s electronic signature is included in the prescription. In these cases patients will no longer be required to submit paper prescriptions to the pharmacies before the medications are dispensed. Electronically generated and transmitted prescriptions still need to include the additional information required by the Pharmacy Act for paper prescriptions.

Act 138 also amends the Pharmacy Act’s “Prescriptions” definition to allow pharmacies in Puerto Rico to dispense refills of medications prescribed by physicians authorized to practice medicine in any State of the United States, as long as the original prescription was dispensed in the State where the prescribing physician practices medicine.

A provision stating that physicians, pharmacy benefits administrators, or insurance companies cannot refer or induce patients to specific pharmacies was also included in Article 5.10 (f) of the Pharmacy Act. Act 138 also instructs the Puerto Rico Secretary of Health to amend the Pharmacy Regulation within sixty days to make it compliant with the foregoing amendments.

If you have any questions or comments, or wish additional information regarding the matters discussed herein, please contact any of the attorneys listed below, members of our Health Care Practice Team.

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