

IC 25-26-17

Chapter 17. Nonresident Pharmacies

IC 25-26-17-1

"Board" defined

Sec. 1. For purposes of this chapter, "board" means the Indiana board of pharmacy.

As added by P.L.183-1997, SEC.1.

IC 25-26-17-2

"Nonresident pharmacy" defined

Sec. 2. For purposes of this chapter, "nonresident pharmacy" means a pharmacy located outside Indiana that dispenses drugs or devices through the United States Postal Service or other delivery services to patients in Indiana.

As added by P.L.183-1997, SEC.1.

IC 25-26-17-3

Registration; required information; fee

Sec. 3. A nonresident pharmacy must register with the board. To register with the board, a nonresident pharmacy must submit the following to the board:

(1) A verified statement that the nonresident pharmacy is licensed, certified, or registered to operate in the state in which the pharmacy is located.

(2) The location, names, and titles of all principal corporate officers and pharmacists who are dispensing drugs to residents of Indiana. This disclosure must be made on an annual basis. The nonresident pharmacy must notify the board within thirty (30) days after any change of office location, corporate officer, or pharmacist in charge.

(3) A verified statement that the nonresident pharmacy complies with all lawful requests for information from the regulatory or licensing agency of all states in which it is licensed.

(4) The latest inspection report or an equivalent document approved by the board, from the licensing authority of the state in which the nonresident pharmacy is located. However, if the nonresident pharmacy has not been inspected within the last three hundred sixty-five (365) days by the state in which the nonresident pharmacy and licensing authority are domiciled, or if the board determines that the home state inspection is not substantially equivalent to an Indiana inspection or is not available, an inspection report from a:

(A) third party;

(B) healthcare accreditation body; or

(C) pharmacy accreditation body;

that is approved by the board, must be obtained and submitted by the nonresident pharmacy.

(5) Information requested and deemed necessary by the board to carry out this chapter.

(6) The fee required by IC 25-1-8 which shall be reasonable and not exceed the costs to the board.

As added by P.L.183-1997, SEC.1. Amended by P.L.112-2014, SEC.30.

IC 25-26-17-4

Duties of nonresident pharmacies

Sec. 4. A nonresident pharmacy must:

- (1) comply with all requests for information made by the board;
- (2) respond directly to all communications from the board concerning emergency circumstances arising from errors in the dispensing of drugs to the residents of Indiana;
- (3) maintain records of drugs dispensed to patients in Indiana in a manner making those records readily retrievable and identifiable from the other business records of the pharmacy; and
- (4) provide a toll-free telephone service that:
 - (A) facilitates communications between a patient in Indiana and a pharmacist with access to the patient's records;
 - (B) is attended by a pharmacist with access to a patient's records during the nonresident pharmacy's regular business hours, but not less than six (6) days per week and not less than forty (40) hours per week; and
 - (C) has the toll-free telephone number displayed on a label affixed to each container of dispensed drugs.

As added by P.L.183-1997, SEC.1.

IC 25-26-17-4.5

Internet pharmacy accreditation

Sec. 4.5. A nonresident pharmacy that dispenses more than twenty-five percent (25%) of the pharmacy's total prescription volume as a result of an original prescription order received or solicited through the Internet:

- (1) must be accredited:
 - (A) through the National Association of Boards of Pharmacy's Verified Internet Pharmacy Practice Sites (VIPPS); or
 - (B) under a program that is substantially similar to the program under clause (A) and that has been approved by the board; and
- (2) shall obtain and display a seal of approval for:
 - (A) the National Association of Boards of Pharmacy; or
 - (B) the substantially similar program described in subdivision (1)(B);anywhere that the nonresident pharmacy advertises.

As added by P.L.105-2008, SEC.48.

IC 25-26-17-5

Grounds for denial, suspension, or revocation of registration

Sec. 5. The board may deny, revoke, or suspend the registration

of a nonresident pharmacy for:

- (1) failing to comply with sections 3, 4, 4.5, and 6 of this chapter; or
- (2) conduct that causes serious bodily or psychological harm to a customer who lives in Indiana or purchased drugs from the nonresident pharmacy while in Indiana, if the board reports the matter to the pharmacy regulatory or licensing agency in the state in which the nonresident pharmacy is located.

As added by P.L.183-1997, SEC.1. Amended by P.L.105-2008, SEC.49.

IC 25-26-17-6

Compliance with laws and rules of domicile state required

Sec. 6. A nonresident pharmacy registered under this chapter must comply with the laws and rules of the state in which it is domiciled.

As added by P.L.183-1997, SEC.1.

IC 25-26-17-7

Waiver of registration requirements

Sec. 7. The board may waive the registration requirements of this chapter for a nonresident pharmacy that only dispenses drugs to Indiana in limited transactions.

As added by P.L.183-1997, SEC.1.