



ADMINISTRATIVE RULES OF MONTANA



24.174.1111 DRUG DISTRIBUTION AND CONTROL IN AN INSTITUTIONAL OR CORRECTIONAL FACILITY

- (1) The pharmacist-in-charge shall establish written policies and procedures for the safe and efficient distribution of drugs and provision of pharmaceutical care, including the mechanism by which drug review will be accomplished and documented. A current copy of such procedures must be on hand for inspection by the Board of Pharmacy.
- (2) Automated dispensing devices must be stocked with drugs only by or under the supervision of a registered pharmacist. At the time of removal of any drug, the device must automatically make an electronic record indicating the date of removal, the name, strength, and quantity of drug removed, name of the patient for whom the drug was ordered, and the name or other identification of the person removing the drug. These records must be maintained for a period of two years.
- (3) Drugs or herbal/alternative food supplement products brought into an institutional facility by a patient must not be administered, unless they can be identified and their quality assured by a pharmacist and their use has been authorized by the attending physician. If such drugs are not to be administered, the pharmacist-in-charge shall develop policies and procedures for storing them for return to the patient upon discharge or transferring them to an adult member of the patient's immediate family.
- (4) Investigational drugs must be stored in and dispensed from the pharmacy only pursuant to written policies and procedures.
 - (a) Complete information regarding these drugs and their disposition must be maintained in the facility prior to their initial dispensing.
 - (b) The drug monograph and a signed patient consent form must be obtained and made available in accordance with state and federal guidelines.
- (5) A sample drug policy must be established if samples are used.
- (6) The safe handling, storage, and administration of medications within jails, correctional facilities, and detention facilities without onsite pharmacies shall be regulated as follows:
 - (a) Jails, correctional facilities, and detention facilities must have written policies and procedures in place, written by the responsible practitioner or authority, for the safe handling, storage, and administration of medications. Such policies shall address security of medications, procurement, proper storage and disposal of medications, training for those administering medication, methods for documenting that medications were given or refused, procedures for confirming that the inmate has ingested each medication, and the disposition of medications at discharge. Medications brought by or with an inmate upon admission to the jail, correctional facility, or detention facility must not be used unless

specifically authorized by a physician at the jail, correctional facility, or detention facility or that physician's designee, and medication identity has been confirmed by a licensed health care professional. Prescription medications brought by an inmate from outside must be recorded on the inmate property record. If they are not used while the patient is incarcerated, they must be stored in a secure area until the inmate's release.

- (b) Patient medications may be transferred from one jail, correctional facility, or detention facility to another if there is a secure method for ensuring that individual inmate prescriptions are not tampered with between locations and that containers are properly labeled. During transfer, medications requiring storage at room temperature should be subjected to external temperatures no greater than 86 degrees Fahrenheit. A method of transferring refrigerated medications from one jail, correctional facility, or detention facility to another must be addressed in policy and procedure. Medications transferred pursuant to the above regulations, in control of the transferring official at all time, may continue to be used for that patient.
- (c) Drug kits supplied and maintained by a registered pharmacy may be utilized if policies and procedures regulating their use are in place. Such drug kits will comply with the requirements of ARM 24.174.1114.
- (d) The pharmacist-in-charge is responsible for policies and procedures for procurement, storage, and administration of prescription medications at jails, correctional facilities, and detention facilities without an on-site pharmacy.

Authorizing statute(s): 37-7-201, MCA

Implementing statute(s): 37-7-201, 37-7-307, 37-7-308, 37-7-406, MCA

History: NEW, 2002 MAR p. 3605, Eff. 12/27/02; AMD, 2006 MAR p. 1615, Eff. 6/23/06; AMD, 2015 MAR p. 302, Eff. 3/27/15; AMD, 2021 MAR p. 1671, Eff. 11/20/21.