

[35 Pa. Cons. Stat. § 960.3.]

§ 960.3. Substitutions: Generic Equivalent Drug Law

Section 3. * * *

(a.1) A pharmacist may substitute a biological product for a prescribed biological product only if:

(1) the biological product is an interchangeable biological product and has been determined by the United States Food and Drug Administration to be interchangeable with the prescribed product;

(2) the prescriber does not designate verbally or in writing on the prescription that substitution is prohibited; and

(3) the person presenting the prescription receives notification of such substitution in the same manner provided in subsection (b).

(a.2) Within 72 hours following the dispensing of an interchangeable biological product, the dispensing pharmacist or the pharmacist's designee shall communicate to the prescriber the specific product provided to the patient, including the name of the product and the manufacturer. The communication shall be conveyed by making an entry in the electronic health record of the patient, as defined in the act of July 5, 2012 (P.L.1042, No.121), known as the "Pennsylvania eHealth Information Technology Act," or through an electronic prescribing technology, a pharmacy benefit management system or a pharmacy record, that is electronically accessible by the prescriber. Entry into an electronic records system as described in this subsection is presumed to provide notice to the prescriber. Otherwise, within 72 hours, the pharmacist shall communicate the interchangeable biological product dispensed to the prescriber, using facsimile, telephone, electronic transmission or other prevailing means, provided that the communication shall not be required where:

(1) there is no United States Food and Drug Administration-approved interchangeable biological product for the biological product prescribed; or

(2) it is a refill prescription where the interchangeable biological product dispensed is the same interchangeable biological product which was dispensed at the prior filling of the prescription.

(a.3) Subsections (a.1) and (a.2) may not apply to a biological product which may be dispensed without a prescription.

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(c) Any pharmacist substituting a less expensive drug product or interchangeable biological product shall charge the purchaser the regular and customary retail price for the generically equivalent drug or interchangeable biological product.

(d) Each pharmacist shall maintain a record of any substitution of a generically equivalent drug product or interchangeable biological product for a prescribed brand name drug.