

Electronic Prescriptions

Current DEA regulations **do not** allow e-prescribing of CS. According to 21 CFR 1306.05: Prescriptions for Schedule II CS "shall be written with ink or indelible pencil or typewriter and shall be manually signed by the practitioner." According to 21 CFR 1306.21 (a): "A pharmacist may dispense directly a controlled substance listed in Schedule III, IV, or V . . . only pursuant to either a written prescription signed by a practitioner or a facsimile of a written, signed prescription transmitted by the practitioner or the practitioner's agent to the pharmacy or pursuant to an oral prescription made by the individual practitioner and promptly reduced to writing by the pharmacist."

Tamper-Resistant Pad Requirement Postponed

Pharmacies won a six-month delay in the requirement to implement tamper-resistant pads by October 1, 2007, or risk loss of reimbursement from Medicaid. Congress unanimously passed an extension to March 31, 2008, and President George W. Bush signed it into law September 29.

State Medicaid directors and state boards of pharmacy are using the delay to educate prescribers and pharmacists about the requirement.

The Idaho Board of Pharmacy has established that noncopyable prescription blanks currently being required by the Board for CS prescriptions meet the necessary **one** characteristic to be considered tamper resistant by the Centers for Medicare and Medicaid Services. Beginning October 1, 2008, the tamper-resistant pads required for Medicaid patients must contain **all three** of the following characteristics to be considered tamper resistant:

- ◆ one or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form; or
- ◆ one or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription by the prescriber; or
- ◆ one or more industry-recognized feature designed to prevent the use of counterfeit prescription forms.

Legislation Paves the Way for Idaho-based Narcotic Treatment Programs

Effective July 1, 2007, the addition of a new section to the Uniform Controlled Substance Act, Section 37-2727, Idaho Code allows for the operation of a narcotic treatment program in Idaho. Before operating as a narcotic treatment program the facility must apply for and

obtain a CS registration certificate from DEA and a registration from the Board of Pharmacy as a non-pharmacy drug outlet. A licensed nurse at that facility may, pursuant to a valid order of a physician, prepare and administer to a patient at that facility a CS whether or not a practitioner is present. Take-home doses of a CS may be delivered to a patient at the facility for off-site use provided that the patient is authorized to receive take-home doses of the CS, and take-home doses are prepared pursuant to a valid order of a physician **by a licensed pharmacist**. The pharmacist must deliver the take-home doses to the locked storage area of that facility in a suitable container appropriately labeled for subsequent delivery by the nurse to the patient entitled to receive take-home doses.

Opioid Addiction Treatment Programs

Effective July 25, 2005, physicians must include their Drug Addiction Treatment Act of 2000 (DATA 2000) waiver identification number on prescriptions for opioid addiction treatment medications. The practitioner's DEA registration number and the unique identification number (**DATA 2000 waiver ID number or "X" number**) **must be on the prescription 21 CFR 1306.05(a). The identification number is not in lieu of the DEA registration number, it is an addition.** If the prescription is telephoned to the pharmacy, the pharmacist must be sure both numbers are included on the prescription record, either by obtaining them from the physician's office or from the pharmacy's computer files.

Special Notice

The *Idaho Board of Pharmacy Newsletter* is considered an official method of notification to pharmacies, pharmacists, pharmacy intern/externs, and pharmacy technicians registered by the Board. Please read them carefully. We encourage you to keep them filed in your pharmacy, preferably in your Idaho Pharmacy Law book, for future reference.

Page 4 – December 2007

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