



NEVADA STATE BOARD OF PHARMACY

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CONTROLLED SUBSTANCE PRESCRIPTIONS FACT SHEET – DECEMBER 2007

INTRODUCTION

The following is offered as a guide to the prescribing, filling, and dispensing of controlled substance prescriptions. These changes came about as a result of recent DEA actions and clarification followed by corresponding Board regulatory changes. The actual law may be accessed via our website (BOP.NV.GOV *note: no www) under the tab "Nevada Statutes and Regulations" and by referring to 21 CFR §1300.

WHAT CAN AND CANNOT BE CHANGED ON A CII PRESCRIPTION

- A pharmacist may add to or change on a CII prescription
 - the strength of the controlled substance,
 - the quantity of the controlled substance,
 - the directions for use, or
 - the date written

IF the pharmacist has spoken to the prescribing practitioner only (not an agent) AND the pharmacist initials the change or addition, noting the date and time of the prescribing practitioner's approval and the reason for the change or addition.

- The intent of allowing a date change is not to allow the filling of old, non-tendered CII prescriptions but rather to allow for the correction of a prescriber's mistake such as writing the wrong year in January of a new year.
- A pharmacist may *NOT* add or change on a CII prescription the name of the patient, the name of the controlled substance (except that he or she may change the name to reflect the generic name), or the signature of the prescribing practitioner.

14 DAY RULE

- NRS 453.431(4) states that "A pharmacist shall not fill a prescription for a controlled substance classified in Schedule II unless tendered (emphasis added) on or before the 14th day after the date of issue." Hence, if a patient presents a prescription to the pharmacy for a

CII drug within 14 days of the date written, the pharmacist technically has six months from that written date to fill that prescription. If the prescription is not immediately filled, the date tendered must be written on the face of the prescription and initialed.

- ALL prescriptions for controlled substances are no longer valid after six months from the date written. NRS 639.2393(1).

"DO NOT FILL UNTIL . . ."

- Effective December 19, 2007, the DEA has announced that it will once again be legal for practitioners to write up to a 90-day supply of a CII on multiple blanks dated the same day but with the verbiage "do not fill until (date)" written on the face of the prescription.
- Prescriptions with the "do not fill until" language must not contain a prescription for any other drug.
- Like any other CII prescription, these prescriptions must be tendered within 14 days of the date of issue.

MULTIPLE PRESCRIPTIONS PER BLANK

- If a prescription for a CII is written on the same blank as other prescriptions, a pharmacist may fill and cancel the CII, file it in the CII file, then make a copy of the prescription blank to fill and file the other prescriptions. The pharmacist must note on the copied prescriptions the prescription number of the first CII prescription.
- Likewise, any combination of schedules of medications may be written on the same blank, with the original being filed with the highest control and copies filed as described above. Multiple CII prescriptions may be written on the same blank as well. Each drug on the blank obviously must be assigned its own prescription number.
- The only exception to this rule is a prescription with "do not fill until" language on it, which prescriptions cannot have other drugs on them.

PARTIAL REFILLS

- The patient is entitled to the entire quantity of a CIII through CV prescription, including refills, regardless of the number of refills required within six months to get there. For example, if a prescription is presented for a quantity of 30 with 2 refills (90 tablets total) and the patient only buys 10 tablets at each fill, he is entitled to the original 10 plus 8 partial refills (90 tablets total). The DEA does not consider a refill to be complete until all of the quantity for the refill is reached.
- A pharmacist must be careful to assure that no partial refill requested by a patient is given sooner than the directions for use would allow.

CANCELLED CII THAT A PATIENT WANTS BACK

- A patient may request the return of a CII prescription blank that has already been canceled, provided that the prescription number is accounted for in the pharmacy's files with an explanation as well as showing the drug "returned to stock" for inventory purposes.
- Should a pharmacy receive a canceled prescription for filling, the pharmacist must verify with the canceling pharmacy that the prescription was not filled.

MISCELLANEOUS ISSUES

- A pharmacist may add to a controlled substance prescription a practitioner's address or DEA number or a patient's address without contacting the practitioner or patient if the missing information is readily available to the pharmacist from the pharmacy's records or computer. If the pharmacist adds the missing information, he or she must initial the addition and write "RA," "readily available," "in files," "on computer," or other similar notation. If the DEA number was not readily available to the pharmacist, a pharmacist may add the DEA number after obtaining verification from the practitioner, the practitioner's agent, or the board. If the pharmacist adds the DEA number, he or she must initial the addition and make a notation of the name of the person with whom the pharmacist spoke.
- A controlled substance prescription does not need a DEA number if it is written by a practitioner in the military service or a practitioner who is exempted by 21 CFR §1301.23 (Indian Health Service, Public Health Service, etc.). Instead, the prescriber may use his or her service identification number or social security number.
- A pharmacist may dispense a CII prescription *ONLY* pursuant to a written prescription (including a faxed

prescription) or pursuant to an emergency oral prescription under NAC 453.420.

- CIII, CIV, and CV prescriptions may be transmitted by fax machine as long as they contain the prescribing practitioner's signature.
- If the patient's address is not on a controlled substance prescription and the patient's address is not known or readily available to the pharmacist, the pharmacist shall: (1) obtain positive identification from the patient to verify the identity and address, or (2) verify the patient's identity and address with the prescribing practitioner.
- Reminder: for CII prescriptions, partial fills must be completely filled within 72 hours and a written prescription for emergency supply must be received within seven days.