



NABP

**National Association of
Boards of Pharmacy**

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TO: EXECUTIVE OFFICERS – STATE BOARDS OF PHARMACY
FROM: Carmen A. Catizone, Executive Director/Secretary
DATE: July 20, 2017
RE: Clarification on Transfer of Unfilled Controlled Substance Prescriptions

A number of states have reported to the National Association of Boards of Pharmacy® (NABP®) some confusion regarding federal regulations and the transfer of unfilled electronic prescriptions for controlled substances. The attached information clarifying this situation was obtained by NABP through our lead role on the Controlled Substances Stakeholder Coalition and excellent working relationship with the Drug Enforcement Administration.

Attachment

cc: NABP Executive Committee

Attachment

The Controlled Substances Act and its implementing regulations outline what can take place regarding prescriptions for controlled substances. In Title 21, Code of Federal Regulations, Section 1306.25 the DEA made a specific exception so that a DEA registered pharmacy can, once it has filled an original prescription for a controlled substance in Schedules III-V, transfer the original prescription information to another DEA registered pharmacy for the purpose of allowing that second pharmacy to then dispense any remaining valid refills still permitted by law and the prescriber's authorization. With one exception, such an allowance currently does not exist for the forwarding of an unfilled prescription from one DEA registered retail pharmacy so that it may be filled at another DEA registered retail pharmacy.

Prescriptions can take the form of paper (including fax), call-in, or electronic prescription for controlled substances (EPCS). The DEA has addressed the forwarding of an EPCS prescription. The DEA published information in the preamble of the notice of proposed rulemaking (NPRM) on EPCS, 73 FR 36722, and the preamble of the interim final rule (IFR) on EPCS, 75 FR 16235. Note, because this was in the preamble and not in the EPCS regulations, it represents the DEA's policy. As posted in the preambles of the NPRM and the IFR, an unfilled original EPCS prescription can be forwarded from one DEA registered retail pharmacy to another DEA registered retail pharmacy, and this includes Schedule II controlled substances.

At the start of 2017, the DEA received inquiries from some pharmacists regarding this issue. The DEA was advised that these pharmacists had received notice from their management that they could not forward original unfilled prescriptions for controlled substances as there was no exception in Federal regulation that expressly allowed this activity. The pharmacists were provided with the above information. Although the DEA received several inquiries regarding this issue earlier in the year, these have now ceased.

I hope this helps you and the members of your association.

Loren T. Miller
Associate Section Chief
Liaison and Policy Section
Diversion Control Division
Drug Enforcement Administration