
RECENT NOTABLE CHANGES FOR PRESCRIBING PRACTITIONERS FACT SHEET

INTRODUCTION

Over 2003, numerous changes were made to the statutes and regulations that govern prescribing practices. This Fact Sheet is intended to highlight the most pertinent changes, all of which are presently effective and in force.

FUTURE DATING OF CII PRESCRIPTIONS

Schedule II controlled substance (CII) prescriptions now can be written for a future date. As before, the date the prescription was written (the issuance date) is required but additionally the words written in the body of the prescriptive order can direct, “Do not dispense until [date]” or “Do not dispense before [date].” The future dating must not be later than six months after the date the prescription is issued.

GENERIC SUBSTITUTION CHANGES

Generic substitution of brand name drugs now is required by a pharmacy. A pharmacist must substitute a generic drug for a brand name unless the prescribing practitioner has handwritten the words, “Dispense as Written”. Terms such as “brand only,” “no substitution,” or “dispense brand” will no longer be effective. Checking a box with “DAW” near the prescriber’s signature is no longer effective. The “Dispense as Written” instruction may not be preprinted or stamped on a prescription, except where the words will be transmitted electronically by facsimile or computer or orally.

The provisions do not apply to:

- In-patients in institutions dispensed drug from an in-patient pharmacy.

- Prescriptions dispensed through mail order or Internet pharmacies.
- Prescriptions dispensed to any person if the substitution would violate the terms of a health care plan or make the transaction ineligible for third party reimbursement.

The patient can refuse the generic substitution, except when the drug is paid by a government agency.

EXPIRATION DATES ON PRESCRIPTION CONTAINERS

Pharmacists must now place the manufacturer’s expiration date of a drug upon the prescription label container. Previously, most pharmacy computers defaulted to a one-year expiration date, presuming most medication utilization should be reviewed at least annually. Now, regardless of home storage environments, patient therapy compliance, or safety considerations, patients may maintain their unused medications potentially for several years.

ELECTRONIC PRESCRIBING

To facilitate prescribing, practitioners can facsimile prescriptions (except CIIIs) to pharmacies. The facsimile can be generated by a practitioner’s PDA/computer to a pharmacy facsimile or by paper (hard copy) faxed to a pharmacy. When a prescribing practitioner’s PDA/computer generates a paper prescription using a digital signature, the hard copy prescription must be on security paper, meaning the paper cannot be copied without detection.

Practitioner-computer-to-pharmacy-computer prescriptions are authorized when computer-to-computer technology is established and the system is secure according to the Board’s regulations. We expect computer vendors to begin applying to the

Board for approval of their systems soon. If your computer system has not yet been approved by the Board, you should suggest to the vendor that it apply for approval immediately.

REMINDERS REGARDING CONTROLLED SUBSTANCES PRESCRIPTIONS

- CII prescriptions can be preprinted, typewritten, or written in ink by others, but must be signed by the practitioner.
- CII prescriptions may be generically substituted.
- A pharmacist can add or change the strength of a CII prescription or the directions for use only if the pharmacist has spoken to the prescriber (not his or her agent).
- A CII prescription order may be on a blank with other prescription orders, but a CII cannot appear on a blank with another CII.
- Generally a CII prescription cannot be “faxed” to a pharmacy. Exceptions apply to long-term care patients, hospice patients, and orders for certain other patients receiving compounded CII narcotic substances.

A prescribing practitioner can make an alteration to a prescription, but should make the alteration with the same device writing the order and must initial the change.