

TRANSFER OF UNFILLED EPCS PRESCRIPTIONS BETWEEN PHARMACIES

By Mark J Hardy, PharmD
Executive Director ND Board of Pharmacy

The Board of Pharmacy Office has received questions on the ability and the procedures for transferring an unfilled Controlled Substances Prescription [a prescription that a pharmacy received but has not filled] to another pharmacy.

I requested an opinion from the Drug Enforcement Administration [DEA] and received the following response:

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.

*Loren T. Miller - Associate Section Chief
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As you will note in the above opinion, the DEA does allow the transfer of an unfilled, original EPCS prescription from one pharmacy to another. Of course, assuming the pharmacies are DEA registered. It is also important to note that this does include a Schedule II controlled substance prescription.

If you have any questions, please feel free to contact the Board Of Pharmacy Office at 701-328-9535 or by email Mhardy@ndboard.pharmacy

**NORTH DAKOTA STATE BOARD OF PHARMACY
GUIDANCE DOCUMENT
ELECTRONICALLY PRESCRIBED CONTROLLED SUBSTANCES
FORWARDING and TRANSFERRING PROCESS**

**Mark J Hardy, PharmD
Executive Director**

The Board of Pharmacy has received questions and requests for further clarification on the terminology of forwarding verses transferring. The Board consulted directly with the DEA and was provided guidance relative to the process of forwarding and transferring electronically prescribed controlled substances [EPCS] when the patient prefers to use a different pharmacy than where the originally electronic prescription was sent to by the prescriber.

In communicating with the DEA, as well as other entities, we want to make sure that you understand that the term "*Forwarding*" of an EPCS prescription is meant to be a secure electronic process to send a prescription from one pharmacy to another. It is important to note that currently there are no valid "*forwarding*" processes which exist between pharmacy software systems. It is anticipated that in the next year NCPDP standards will be updated to allow for this type of transmission between pharmacies. Until such time as this process becomes implemented, there is not a legal way to transfer an unfilled EPCS prescription which has been placed "*on hold*" or "*profiled*" within a pharmacy software system.

Once the original EPCS prescription has been filled and dispensed, any remaining refills are able to be transferred directly between two licensed pharmacists [*cannot be delegated to other staff*] on a one-time basis. The original fill of the EPCS prescription cannot be transferred from pharmacy to pharmacy and at this time a new prescription would need to be requested of the prescribing practitioner, when applicable.

As pharmacists acquire the forwarding ability for EPCS prescriptions in the future, it appears this capability will be extended to prescriptions in Schedule II-V. We anticipate this functionality to help better serve patient care situations.

Should you have any questions or need further clarification do not hesitate to contact the Board of Pharmacy Office.