Modification to the Resolution Passed by the Board on March 18, 2020, Addressing Oral Prescriptions for Schedule II Controlled Substances

The resolution passed by the Mississippi Board of Pharmacy on March 18, 2020, addressing oral prescriptions for Schedule II controlled substances is modified by the following guidance put out by the DEA:

This is a guidance letter clarifying the circumstances under which oral schedule II prescriptions are permitted and provides temporary exceptions due to the Public Health Emergency declared by the Secretary of Health and Human Services.

The Controlled Substances Act, 21 U.S.C. 801 et seq., provides that a pharmacist may not dispense a schedule II controlled substance without a written prescription with the exception of an oral prescription in emergency situations. According to 21 CFR 1603.11(d), to issue an emergency oral prescription, the quantity prescribed and dispensed is to be limited to the amount adequate for treatment of the patient during the emergency period; prescription shall be immediately reduced to writing by pharmacist and contain all information required in 1306.05, except for prescribing practitioner’s signature; if pharmacist does not know the individual prescribing practitioner, the pharmacist must make a reasonable effort to determine that the oral authorization came from a registered individual practitioner; and within 7 days after authorizing an emergency oral prescription, the individual prescribing practitioner shall cause a written prescription for the emergency quantity prescribed to be delivered to the dispensing pharmacist.

In addition to the exception stated above, DEA announces two temporary exceptions:
(1) practitioners have 15 days to deliver the follow-up paper prescription to the dispensing pharmacy; and
(2) practitioners are allowed to send the follow-up prescription via facsimile, photograph, or scan to the pharmacy in place of the paper prescription.

The practitioner must ensure that for whichever method they use, the prescription contains all required information stated in 1306.05 and 1306.11(d), including a statement that prescription is “Authorized for Emergency Dispensing.” Practitioners who choose to send this specific type of prescription to the pharmacy via facsimile, photograph, or scan must maintain the original paper prescription in the patient file.