



Even More SB 151 Questions and Answers

Q Can a pharmacist fill a prescription after January 1, 2005, for a Schedule II medication written before January 1, 2005 on a triplicate prescription?

A Yes. Prior to January 1, 2005, Schedule II medications could be written on either the new tamper resistant prescription form or a triplicate prescription form. All controlled substance prescriptions are valid for six months from the date written. (Health and Safety Code section 11166)

Q Can a pharmacist fill a prescription after January 1, 2005, for a Schedule III through V medication on a regular plain prescription form that was written before January 1, 2005?

A Yes. Prior to January 1, 2005, Schedule III through V medications could be written on a plain prescription form. All controlled substance prescriptions are valid for six months from the date written. (Health and Safety Code section 11166)

Q Can a pharmacist fill a prescription for a Schedule III through V medication, written after January 1, 2005, on a regular plain prescription using the emergency fill provisions of Health and Safety Code section 11167?

A Yes, however, prescribers are encouraged to phone or fax Schedule III through V prescriptions if they have not yet received their new prescription forms or if they run out of the forms temporarily. However, in some circumstances phoning or faxing may not be a viable option, therefore, pharmacies may receive a Schedule III through V prescription with the notation "11167 exemption". In these cases, pharmacists should use their professional judgment when filling the prescription, contact the prescriber to verify if necessary, and sign and date the prescription.

Q After January 1, 2005, what should prescribers do with their unused triplicate prescription forms?

A The Department of Justice issued the triplicate prescription forms with an expiration date at the bottom of the form. The Department of Justice is requesting that unused triplicate forms be disposed of as follows:

- If it is past the expiration date on the triplicate forms then the unused triplicates can be shredded.
- If it is not past the expiration date, please return the unused triplicates to the Department of Justice, CURES Program, 4949 Broadway, Sacramento, California 95820 by certified or registered mail for destruction.

For more information, please call the CURES Program at (916) 319-9062.

Nurse Practitioners, Certified Nurse Midwives, and Physician Assistants

Q Is the supervising physician information for a controlled substance prescription written by a nurse practitioner, certified nurse midwife, or physician assistant required to be on the prescription label?

A No, only the information for the nurse practitioner, certified nurse midwife, or physician assistant that signed the prescription is required to be printed on the prescription label. (Business and Professions Code section 4076 [a][4])

Q Can a nurse practitioner or certified nurse midwife stamp or handwrite their name, category of licensure, DEA registration number, and furnishing number on their supervising physician's preprinted controlled substance prescription pad to write a controlled substance drug order?

A No. The law requires that the prescriber's (i.e., nurse practitioner or certified nurse midwife) name, category of licensure, DEA registration number, and furnishing number be preprinted on the new controlled substance prescription forms by a board-approved security printer. (Health and Safety Code section 11162.1 [a][9])

Q Is a supervising physician's name, DEA registration number, and license number required to also be printed on a nurse practitioner's or certified nurse midwife's preprinted controlled substance prescription form?

A No, the supervising physician information is no longer required to be on the nurse practitioner's or certified nurse midwife's controlled substance prescription form. (Business and Professions Code section 2836.1 [f] & [i])

Q Can a physician assistant stamp or handwrite their name, category of licensure, DEA registration number, and license number on their supervising physician's preprinted controlled substance prescription pad to write a controlled substance prescription/drug order?

A No. The law requires that the prescriber's (i.e., physician assistant) name, category of licensure, DEA registration number, and license number be preprinted on the new controlled substance prescription forms by a board-approved security printer. (Health and Safety Code section 11162.1 [a][9])

Q Is a supervising physician's name, DEA registration number, and license number required to be printed on a physician assistant's preprinted controlled substance prescription form?

A Yes. The law requires that a physician assistant authorized to write controlled substance drug orders pursuant to authority granted to them by their supervising physician and DEA registration, must have their supervising physician's name, DEA registration number, address, and telephone number preprinted on the physician assistant's preprinted controlled substance prescription form. (Business and Professions Code section 3502.1 [b] & [d] and Health and Safety Code section 11162.1[a][9])

Licensed Health Care Facilities

Q What is an “institution” form for a qualified licensed health care facility?

A A licensed health care facility (defined below) has the option of using an “institution” style controlled substance prescription form. In order to use the “institution” form, the licensed health care facility must designate a prescriber to represent the facility. The “designated prescriber’s” name, state license number, category of licensure, and DEA number are preprinted on the “institution” style prescription blank along with the facility name, address, and Department of Health Services license number. The “institution” style form also includes a blank space for the actual prescriber within the facility to handwrite, print, or stamp his or her name, state license number, category of licensure, and DEA registration number when writing the prescription.

The institution forms are delivered to the designated prescriber who is responsible for distributing the prescription blanks to authorized prescribers within the facility. The “designated prescriber” must maintain a record that includes the name, category of licensure, state license number, DEA registration number, and the quantity of “institution” forms issued to each prescriber within the facility and maintain the record in a readily retrievable format for 3 years. The board recommends that the designated prescriber also record the batch/lot numbers of the institution forms distributed. (Health & Safety Code section 11162.1[c])

Q Does my facility qualify as a “licensed health care facility” so that we can order “institution” style controlled substance prescription forms?

A "Licensed health care facility" means a facility licensed pursuant to Article 1 (commencing with section 1250) of Chapter 2 of Division 2 of the California Health and Safety Code, such as, a general 24-hour acute care hospital, acute psychiatric hospital, skilled nursing facility, or intermediate care facility.

Laser or Dot Matrix Style Controlled Substance Prescription Forms

Q Can a licensed health care facility computer generate “institution” style controlled substance prescriptions to print on a shared laser or dot matrix printer within the facility?

A Yes, a licensed health care facility (defined above) can purchase specially designed “institution” style prescription blanks that can be used when computer generating prescriptions to print on a shared laser or dot matrix printer within the facility. These “institution” style laser or dot matrix forms must adhere to all of the provisions outlined above for “institution” style forms; including preprinting the designated prescriber’s information and incorporating the required security features pursuant to Health and Safety Code section 11162.1 et seq. However, the following limited provisions were added to subparagraph (c), as a result of Assembly Bill 30 (Richman, Statutes of 2004), specifically for licensed health care facilities that computer generate prescriptions using an “institution” style prescription form to print on a shared laser or dot matrix printer:

- Computer generated “institution” style laser or dot matrix prescription forms do not require the quantity check off boxes;
- The facility’s “designated prescriber” is not required to maintain a record of the prescribers to whom the institution style computer generated laser or dot matrix printer prescription forms are distributed within the facility; and
- In addition to the patient and prescription information, the computer software can generate the actual prescriber’s name, category of licensure, DEA registration number, and license number, as well as, the date the prescription is written, to print on the “institution” style laser or dot matrix prescription form.

Note: these exceptions do not apply to laser or dot matrix style controlled substance prescription forms for use by an individual prescriber, group practice, clinic, or any other outpatient setting.

Q Can a prescriber purchase stock prescription blanks for a laser printer or dot matrix printer that comes with all of the security features except for the preprinted prescriber name, category of licensure, DEA number, and state license number to computer generate prescriptions?

A No, the preprinted prescriber information is one of the security features and therefore, must be preprinted by an approved security printer. However, a prescriber can purchase security prescription blanks from an approved printer that are designed for laser and dot matrix printers. The laser or dot matrix printer security prescription blanks must come preprinted with the prescriber name, category of licensure, DEA registration number and license number and contain all of the required security features in Health and Safety Code section 11162.1. The prescriber could then computer generate the patient and prescription information to print on the laser or dot matrix printer security prescription blank. The prescriber must sign and date the prescription in ink. Note: Not all approved security printers offer this type of form. (Health and Safety Code section 11162.1 and 11164)

CURES Reporting

Q Is it true that pharmacies must now report Schedule III, in addition to Schedule II, prescriptions filled to CURES?

A Yes, effective January 1, 2005, all pharmacies are now required to submit prescription information for all Schedule II and III prescriptions filled to CURES. Pharmacies must contact the data collection vendor, Atlantic Associates at 888-492-7341 for data submission instructions and data field specifications. [Click here for blank transmittal forms, reporting requirements, and data field specifications.](#) (Health and Safety Code section 11165)

Q Do hospital pharmacies report both inpatient chart orders and outpatient discharge prescriptions for Schedule II and III medications to CURES?

A Hospital pharmacies must report all Schedule II and III outpatient or discharge prescriptions filled, including any Schedule II or III medications provided by an emergency room physician to a patient discharged from the emergency room when the hospital pharmacy is closed. Hospital pharmacies are not required to report inpatient chart ordered medications. Hospital pharmacies must contact the data collection vendor, Atlantic Associates, at 888-492-7341 for data submission instructions and data field specifications. [Click here for blank transmittal forms, reporting requirements, and data field specifications.](#) (Business and Profession Code section 4068 (new), Health and Safety Code section 11165, and California Code of Regulations section 1715.5)

Q I am a prescriber (i.e., physician, dentist, veterinarian, osteopathic physician, podiatrist, optometrist, etc.) that dispenses Schedule II and/or III medications directly to my patients from my office, do I have to report the dispensing information to CURES?

A Yes. Dispensing prescribers must report monthly to the Department of Justice, Bureau of Narcotic Enforcement, CURES Program, the dispensing information of any Schedule II or III drug dispensed directly to a patient by the prescriber. Reporting forms, requirements, and instructions can be found on the Department of Justice website at <http://www.ag.ca.gov/bne/content/trips.htm>. (Health and Safety Code section 11010, and 11190[c])