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# **North Carolina Board of Pharmacy**

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## **Controlled Substance Rules & Regulations Pocketcard**

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*A brief summary of pertinent rules  
and regulations impacting the  
practice of pharmacy*

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## Controlled II Substance Rules & Regulations

### **Requirements of a Prescription:**

A prescription for a CII may be transmitted by the practitioner via facsimile provided that the original written Rx is presented to the pharmacist for review prior to the actual dispensing of the controlled substance.

**CFR §1306.11 (a)**

### **Refilling CII Prescriptions:**

The refilling of a Schedule II prescription is prohibited.

**CFR §1306.12**

### **Expiration date of CII Prescriptions:**

North Carolina state law (that went into effect on October 1, 2013) provides that “No Schedule II substance shall be dispensed pursuant to a written prescription more than six months after the date it was prescribed.” The new six-month limitation applies to all prescriptions issued on or after October 1, 2013.

**Sequential “Do Not Fill Until” prescriptions** for CII medications are permissible so long as: (a) each prescription is dated with the day of issuance along with a “do not fill until” date; and (b) the sequential prescriptions authorize no more than a total 90-day supply.

**CFR §1306.12**

### **Emergency CII Prescriptions:**

In an **emergency situation**, a pharmacist may dispense a CII upon receiving an oral authorization of a prescribing practitioner provided that the quantity prescribed and dispensed is **limited** to the **amount** adequate to treat the patient during the emergency period.

The prescribing practitioner shall **within 7 days** of authorizing the emergency Rx, mail or deliver a written Rx for the emergency quantity prescribed. In addition, the written Rx shall have “Authorization for Emergency Dispensing” printed on the face of the script along with the date of the oral order.

Upon receipt, the original script shall be attached to the oral emergency script. The pharmacist shall notify the Drug Enforcement Agency (DEA) if the prescribing practitioner fails to deliver a written Rx.

**CFR §1306.11 (d)**

### **Clarification of CII prescriptions:**

Scheduled CII prescriptions may be clarified by the pharmacist by consulting with the prescriber. Permissible changes after consultation are documented at [http://www.ncbop.org/faqs/Pharmacist/faq\\_ChangestoSchIICS.htm](http://www.ncbop.org/faqs/Pharmacist/faq_ChangestoSchIICS.htm). Such changes do not require a new Rx hardcopy from the prescriber.

## Controlled II Substance Rules & Regulations

### **Facsimile Prescriptions for CII medications:**

CII prescriptions that are to be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion may be transmitted via facsimile by the prescribing practitioner. The facsimile will act as the original Rx. **CFR §1306.11 (e)**

CII prescriptions for a resident of a Long-Term Care Facility may be transmitted via facsimile by the prescribing practitioner. The facsimile will act as the original Rx. No written copy is necessary. **CFR §1306.11 (f)**

CII prescriptions for patients under hospice care may be transmitted via facsimile by the prescribing practitioner. The facsimile will act as the original Rx. **CFR §1306.11 (g)**

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### **Partial Filling of CII prescriptions:**

Partial filling of CII prescriptions is **permissible** if the pharmacist is unable to supply the full quantity called for by the Rx. Notation of partial filling must be noted on the original Rx.

The remaining portion of the Rx may be filled within **72 hours** of the first partial filling; however, if the remaining portion cannot be filled within this period, the pharmacist shall notify the prescribing practitioner. No further quantity may be supplied beyond 72 hours without a new prescription. **CFR §1306.13(a)**

Schedule II prescriptions for patients residing in a long-term care facility (LTCF) or who have a diagnosis documenting a terminal illness may be partially filled (*see 60 day provision below*). For each partial filling, the dispensing pharmacist must record the date of the partial fill, quantity dispensed, remaining quantity along with identification of the dispensing pharmacist.

The total quantity dispensed in all partial fillings must not exceed the total quantity prescribed. **CFR §1306.13 (b)**

Schedule II prescriptions for patients in LTCF or patients with a medical diagnosis documenting a terminal illness shall be valid for a period not to exceed 60 days from the original issue date unless sooner by the termination of drug therapy.

**CFR § 1306.13 (b)**

## Controlled III, IV, & V Substance Rules & Regulations

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### Requirements of a prescription:

A pharmacist may dispense a controlled substance (Schedule III, IV, & V) only pursuant to: a **written prescription** signed by a practitioner, **facsimile** of a written, signed Rx, **or an oral Rx** made by an individual practitioner.

**CFR §1306.21 (a)**

### Refilling of a prescription:

No Rx for CIII-IV medications shall be filled or refilled more than **6 months** after the written date **or** refilled more than **five times**. Schedule V controlled substances may be refilled as authorized. **CFR §1306.22 (a-b)**

Schedule V medications are **not** subject to the 6-month, 5 refill limit.

Dispensing in excess of the prescribed quantity is prohibited for all controlled substances and psychotherapeutic drugs without authorization from the prescriber.

**21 NCAC 46.1802 (b)**

### Partial filling of a prescription:

Partial dispensing of Schedule CIII-IV prescriptions is **permissible** provided that each partial filling is recorded, the total quantity dispensed in all partial fillings does not exceed the total quantity prescribed and no dispensing occurs after **6 months** from the date the prescription is issued.

**CFR §1306.23**

### Controlled Substance Inventory & Recordkeeping:

Pharmacies with automatic data processing systems are permitted to file Schedules III, IV, & V prescriptions **without** stamping them in the lower right corner with a one-inch high letter "C". **CFR §1304.04 (h)**

Whenever a change in ownership or change of pharmacist-manager occurs, the successor shall complete an inventory of all controlled substances in the pharmacy **within 10 days**. A record of this inventory must be signed by the pharmacist-manager, dated and maintained on file with other controlled substance records for a three-year period. **21 NCAC 46.2502**

## Controlled III, IV, & V Substance Rules & Regulations

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### *(Controlled Substance Inventory & Recordkeeping, continued):*

Biennial inventory is to be performed on any date within two years of the previous biennial inventory. **CFR §1304.11**

When performing a biennial inventory, an **exact count** is required of all CII medications on hand. If the drug is listed as a Schedule III-V, an estimated count is sufficient, **unless** the drug container holds more than **1,000** tablets or capsules in which an **exact count is warranted**. **CFR §1304.11 (3)**

Hard-copy printouts of the day's controlled substance Rx orders and refills shall be verified, dated, and signed by the pharmacist who filled these orders. This document must be maintained in the pharmacy for three years from the dispensing date. **CFR §1306.22 (3)**

### Transfer of CIII-V Prescriptions between pharmacies:

The transfer of CIII-V prescriptions is permissible for refilling only **once**. However, pharmacies electronically sharing a real-time, on-line database may transfer the maximum allowable refills as permitted by law. **CFR §1306.25 (a)**

The transfer of such prescriptions **must be communicated directly** between two licensed pharmacists.

The name, address, date, DEA number of the pharmacy to which it is being transferred along with the pharmacist's name must be recorded. **CFR §1306.25 (1)**

The transferred Rx hardcopy shall be noted by the word "TRANSFER" on the face of the Rx. Also, the date and time must be noted. The following information must also be provided:

- Date prescription originally written
- Original number of refills
- Date of original dispensing and last refill, if any
- Number of authorized refills
- Number of valid refills remaining
- Pharmacy name, address, DEA number of transferring pharmacy, and the Rx number
- Pharmacist name transferring Rx

**CFR §1306.25 (b)**

The original and transferred prescription(s) must be maintained for a three-year period from the date of last refill.

**21 NCAC 46.2806**

### **Electronic Prescriptions for Controlled Substances**

DEA rule allows for the transmission and receipt of ECSRx for all schedules if both the transmitting and receiving systems are certified as meeting DEA security requirements.

**CFR §1311.100, et seq.**

### **Prescription and Labeling of Controlled Substances:**

The label of CII-IV controlled substances **shall contain** the following warning statement: **“Caution: Federal Law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed.”** 21 CFR §290.5

The patient’s name and physical street address for all controlled substance prescriptions must be readily retrievable, but is **not** required to be handwritten on the face of the Rx hard-copy. **NC Controlled Substances Act §90-106**

The preprinting of or use of preprinted prescription blanks with the name of scheduled substances is prohibited. Prescription blanks that are individually generated (aka: computer generated prescriptions) are permissible. **45.G NCAC .0307**

### **Proper Disposal of Controlled Substances:**

A written request for disposal of controlled substances must be made to the Board. The Board will, at that point, provide authority and instructions for disposal. After authority has been granted, two licensed pharmacists approved by the Board must witness the destruction of the substance, if it occurs on the permit holder’s premises. All destruction must be documented and such records should be maintained on file for a three-year period. Copies of such documentation should also be forwarded to the Drug Enforcement Administration. **21 NCAC 46.3001 (c)**

### **Right to Refuse a Prescription:**

A pharmacist has the right and responsibility to **refuse** to fill or refill an Rx order **if**, in his judgment:

- it would be harmful to the patient
- it is not in the patient’s best interests **or**
- there is question as to its validity.

**21 NCAC 46.1801**

### **Patient Counseling:**

An offer to counsel shall be made on all new or transfer prescriptions at the time the prescription is dispensed or delivered to the patient. Ancillary personnel (i.e: pharmacy technicians) may make the offer to counsel, but the pharmacist must personally conduct counseling if the offer is accepted. Professional judgment should be used in determining whether or not to offer counseling for prescriptions refills. **21 NCAC 46.2504**

Records of counseling compliance, including documentation of refusals to receive counseling, shall be maintained on file for three years. **21 NCAC 46.2504 (g)**

*Revised Nov 2013*

### ***Other information may be obtained from the following:***

#### **Drug Enforcement Agency**

Greensboro, North Carolina  
336.547.4219

*Controlled Substance Information*

#### **North Carolina Department of Agriculture**

Daniel L. Ragan, Director  
919.733.6801

[dan.ragan@ncagr.gov](mailto:dan.ragan@ncagr.gov)

*NC Food, Drug & Cosmetic Act and Wholesaler Information*

#### **National Association of Boards of Pharmacy**

1600 Feehanville Drive  
Mount Prospect, IL 60056

<http://www.nabp.net>

*Foreign Pharmacy Graduate Equivalency  
Examination & Reciprocity Issues*

#### **North Carolina Association of Pharmacists**

109 Church Street  
Chapel Hill, North Carolina 27516  
919.967.2237

<http://www.ncpharmacists.org/>

*Association & Continuing Education information*

#### **North Carolina Medicaid**

Division of Medical Assistance  
2501 Mail Service Center

Raleigh, North Carolina 27699-2501

Lisa Weeks, Pharmacy Director  
919.855.4305

[lisa.weeks@ncmail.net](mailto:lisa.weeks@ncmail.net)

*Medicaid pharmacy policy information*

#### **North Carolina Board of Pharmacy**

6015 Farrington Road, Suite 201  
Chapel Hill, North Carolina 27517

Jay Campbell, Executive Director

[jcampbell@ncbop.org](mailto:jcampbell@ncbop.org)

Phone 919.246.1050

Fax 919.246.1056

<http://www.ncbop.org>

#### **Board Members:**

J. Parker Chesson, Jr.

Carol Yates Day

E. Lazelle Marks

Robert McLaughlin, Jr.

Gene W. Minton

William A. Mixon

*North Carolina Board of Pharmacy*  
919.246.1050  
[www.ncbop.org/lawandrules.htm](http://www.ncbop.org/lawandrules.htm)



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