

## CONTROLLED SUBSTANCES: UPDATE ON E-PRESCRIBING

### Overview

Since new Drug Enforcement Administration (DEA) regulations for controlled substance e-prescribing took effect June 1, 2010, state boards of pharmacy have offered guidance to licensees regarding DEA e-prescribing software requirements and the legality of controlled substance e-prescribing in their respective states. E-prescribing software developers are currently in the process of ensuring that their products meet DEA requirements and have the required certifications. In addition, some state laws and regulations will require revisions before controlled substance e-prescribing will be fully legal in their jurisdictions.

### DEA Interim Final Rule

DEA's Interim Final Rule on e-prescribing

- formally allows (but does not mandate) electronic prescribing of Schedule II through V controlled substances
- provides the regulations by which e-prescribing will be governed.

Before any prescriber or pharmacist can prescribe or receive an electronic prescription for a controlled substance, an approved, outside agency must certify that the electronic prescribing of controlled substances (EPCS) system (or software) being used meets DEA requirements. These requirements help ensure that e-prescribing minimizes the potential for controlled substance diversion. DEA also considered the burden on registrants and allowed enough flexibility to accommodate future advances in technology and standards.

### Delaware Law and Controlled Substance E-Prescribing

On May 26, 2010, the Attorney General's Office along with the Controlled Substance Committee members reviewed Section 4.4 of the Delaware Uniform Controlled Substance Act Regulations on e-prescribing of controlled substances in Delaware. It was determined that the section, *Manner of Issuance of Prescriptions*, applies only to **written** controlled substance prescriptions and, therefore, does not conflict with the new DEA rule.

### First DEA-Approved Systems for Processing Controlled Substance e-Prescriptions

Pharmacy software applications used to process EPCS medications must successfully complete DEA certification and audit procedures.

After successfully meeting DEA certification requirements, the EPCS system at Supervalu pharmacies in Virginia and California is now in use. Supervalu pharmacies in those states are the first to accept e-prescriptions for controlled substances, as announced in a [press release](#), and Supervalu pharmacies in other states will soon begin to offer this service.

In addition, Surescripts, operator of the largest e-prescription network that connects prescribers' e-prescribing software to pharmacies, has announced that its network has been upgraded to support EPCS. In a [press release](#), Surescripts announced that the company "has begun its initial certification of prescriber software vendors and pharmacy applications for EPCS. Certified vendors and pharmacies have, in turn, begun the initial deployment of EPCS in the United States. The deployment involves a select number of certified and audited vendors and their users located in states where EPCS is legal."

As hurdles are overcome – from logistical questions to challenges at the practitioner level, to standardizing and correcting patient safety deficiencies in software – e-prescribing will have a chance to achieve its potential as a universal, efficient and safer method of helping patients access their medications. The Division of Professional Regulation will continue to provide updates as the implementation process continues.

More information about the implementation of the DEA Interim Final Rule on EPCS is available at [http://www.deadiversion.usdoj.gov/e\\_comm/e\\_rx/index.html](http://www.deadiversion.usdoj.gov/e_comm/e_rx/index.html).