

e-Prescriptions for Controlled Substances

Overview

Effective June 1, 2010, the federal government approved electronic transmission of prescriptions (e-prescriptions) for schedule II-V controlled substances. The Delaware Controlled Substance Committee later determined that controlled substance e-prescribing is permitted in Delaware and that Delaware rules and regulations do not conflict with the new federal rules.

Although e-prescribing of controlled substances has been approved, federal Drug Enforcement Administration (DEA) authorities do not expect practitioners and pharmacies to be able to use controlled substance e-prescriptions until the summer of 2011 because policies, procedures and software are being developed.

Gearing Up for e-Prescriptions

Every practitioner and every pharmacy must meet DEA requirements for e-prescribing controlled substances:

- Practitioners will have the option of signing and transmitting prescriptions for controlled substances electronically.
- Pharmacies will be permitted to receive, dispense and archive electronic prescriptions for controlled substances.

Before e-prescribing of controlled substances can begin, these actions must take place:

- DEA-approved software must be developed because practitioners and pharmacies must process controlled substance e-prescriptions using software that meets DEA requirements.
- A DEA-approved auditor must independently audit each practitioner and pharmacy.
- Prescribing practitioners must undergo “identity proofing.” This means that a practitioner’s identity must be verified before he or she is allowed to e-prescribe. After identity proofing, each practitioner must use a two-factor authentication credential to access the software.

e-Prescription Requirements

Here are some of the federal requirements that will apply to e-prescriptions for controlled substances:

- Practitioners must transmit e-prescriptions as soon after signature as possible.
- Prescriptions must remain in an electronic state. Converting them to fax is not allowed.
- Practitioners may print e-prescriptions after signature, but they must be labeled “copy only – not valid for dispensing.”
- Pharmacy records must be retrieved by practitioner name, patient name, drug name, and date dispensed.

- Pharmacy records must be backed up daily and maintained for at least two years.

More Information

For information on the federal requirements on e-prescribing controlled substances, click [federal regulations](#). The Delaware Controlled Substance Committee plans to clarify Section 4.4 of the [Rules and Regulations](#) in light of e-prescriptions.

As we receive further federal updates on e-prescribing controlled substances, we will post the information on this website.