QUESTION: During the COVID -19 Emergency can a practitioner now fax a CII prescription to the pharmacy not associated with Hospice or Long Term care patients?

ANSWER: Yes, provided the practitioner telephones in the prescription for emergency purposes and, within 15 days, follows the oral prescription with a written prescription. A fax~~ed~~, photograph or scan of the prescription sent to the pharmacy can satisfy the requirement that a prescription be in writing, provided it has the designation "Authorization for Emergency Dispensing."

Until ordered otherwise, during the State of Emergency, CII Prescriptions may be **faxed, photographed or scanned and sent (including secure email)** to a pharmacy for all patients under the following circumstances **only**:

- The CII substance is an EMERGENCY prescription as determined by the practitioner regarding that individual patient on a case-by-case basis. (Emergency is patient-specific and not synonymous with the State of Emergency, although COVID-19 could be a factor in assessing whether an EMERGENCY prescription is warranted).

- The practitioner determines the emergency quantity (enough to cover the emergency) but it **CANNOT** exceed a 34 days' supply. (RSA 318: B 9 (IV))

- The practitioner **telephones in** the prescription into the pharmacy and informs the pharmacist that the prescription constitutes "EMERGENCY DISPENSING" (*see* 21 CFR 290.10 to determine an emergency situation).

- Within 15 days, (increased from 7 days by the DEA TEMPORARY EXCEPTION) the practitioner must provide a written or e-prescribed prescription to the pharmacy to cover the telephone order.

- A **faxed, photographed or scanned copy of the** prescription may satisfy the requirement of providing a written prescription, provided the prescription has a designation "AUTHORIZATION FOR EMERGENCY DISPENSING."

At no time is the pharmacist exempt from their corresponding liability to make sure that the prescription is for a valid medical reason. 21 CFR 1306.04 (a).

Practitioners & pharmacists must comply with BOTH state (Ph 704.03(d) and Federal laws (21 CFR 1306.11 D (1)-(4).