

STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
DIVISION OF HEALTH PROFESSIONS

BOARD OF PHARMACY

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Board of Pharmacy

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April 19th, 2018

BOARD NOTICE

The Board would like to pass along this ruling concerning electronic controlled drug prescription transmission requirements from the Drug Enforcement Administration. There have been questions concerning the printing of e-prescribed prescriptions and Board compliance enforcement of this action. I reference the following rule from the Code of Federal Regulations:

21 CFR §1311.170 Transmission requirements.

(a) The electronic prescription application must transmit the electronic prescription as soon as possible after signature by the practitioner.

(b) The electronic prescription application may print a prescription that has been transmitted only if an intermediary or the designated pharmacy notifies a practitioner that an electronic prescription was not successfully delivered to the designated pharmacy. If this occurs, the electronic prescription application may print the prescription for the practitioner's manual signature. The printed prescription must include information noting that the prescription was originally transmitted electronically to [name of the specific pharmacy] on [date/time] and that transmission failed.

(c) The electronic prescription application may print copies of the transmitted prescription if they are clearly labeled: "Copy only—not valid for dispensing." Data on the prescription may be electronically transferred to medical records, and a list of prescriptions written may be printed for patients if the list indicates that it is for informational purposes only and not for dispensing.

(d) The electronic prescription application must not allow the transmission of an electronic prescription if an original prescription was printed prior to attempted transmission.

(e) The contents of the prescription required by part 1306 of this chapter must not be altered during transmission between the practitioner and pharmacy. Any change to the content during transmission, including truncation or removal of data, will render the electronic prescription invalid. The electronic prescription data may be converted from one software version to another between the electronic prescription application and the pharmacy application; conversion includes altering the structure of fields or machine

language so that the receiving pharmacy application can read the prescription and import the data.

(f) An electronic prescription must be transmitted from the practitioner to the pharmacy in its electronic form. At no time may an intermediary convert an electronic prescription to another form (e.g., facsimile) for transmission.

The Board's Compliance Department recommends that e-prescribed controlled substance prescriptions only be printed when there is a necessity for the action, **not for hard copy recordkeeping purposes**, and the proper notation of "**COPY ONLY - NOT VALID FOR DISPENSING**" is included in watermark or by hand. Compliance investigators and inspectors will be following up on this notice during the inspection process.

By Order of the Board,

A handwritten signature in black ink, appearing to read "Michael D. Bullek". The signature is fluid and cursive, with the first name being the most prominent.

Michael D. Bullek, BSP, R.Ph.
Administrator / Chief of Compliance