

FAQ for Electronic Prescribing for Controlled Substances (EPCS)

1. **Q:** Is EPCS mandatory for Oklahoma prescribers?

A: Yes, beginning January 1, 2020 it will be mandatory for prescribers to issue electronic prescriptions for controlled substances.

2. **Q:** What prescriptions does the mandate apply to?

A: All controlled dangerous substances in Schedules II, III, IV, and V. Schedule II controlled dangerous substances cannot be prescribed by Advanced Practice Registered Nurses with prescriptive authority [63 O.S. § 2-312.C].

3. **Q:** I currently electronically prescribe non-controlled substances. Are there any additional steps I need to complete in order to electronically prescribe controlled substances?

A: Yes, the software you currently use must meet all the federal security requirements for EPCS. Electronic prescriptions of controlled substances are subject to the requirements set forth in 21 CFR, Section 1311 et seq.

4. **Q:** Are there any exemptions from electronic prescribing?

A: Yes, the following are the exemptions provided for in 63 O.S. 2-309.

 - A. person licensed to practice veterinary medicine;
 - B. a practitioner who experiences temporary technological or electrical failure or other extenuating circumstance that prevents the prescription from being transmitted electronically; provided, however, that the practitioner documents the reason for this exception in the medical record of the patient;
 - C. a practitioner, other than a pharmacist, who dispenses directly to an ultimate user;
 - D. a practitioner who orders a controlled dangerous substance to be administered through an on-site pharmacy in:
 - a) a hospital as defined in Section 1-701 of this title,
 - b) a nursing facility as defined in Section 1-1902 of this title,
 - c) a hospice inpatient facility as defined in Section 1-860.2 of this title,
 - d) an outpatient dialysis facility,
 - e) a continuum of care facility as defined in Section 1-890.2 of this title, or
 - f) a penal institution listed in Section 509 of Title 57 of the Oklahoma Statutes;

- E. a practitioner who writes a prescription to be dispensed by a pharmacy located on federal property, provided the practitioner documents the reason for this exception in the medical record of the patient;
- F. a practitioner that has received a waiver or extension from his or her licensing board;
- G. compound prescriptions containing two or more commercially available products or two or more active pharmaceutical ingredients;
- H. compounded infusion prescriptions containing two or more commercially available products or two or more active pharmaceutical ingredients;
- I. prescriptions issued under approved research protocols;
- J. if the practitioner determines that an electronic prescription cannot be issued in a timely manner and the condition of the patient is at risk.

5. **Q:** I sometimes write prescriptions to patients that fill the prescription at the pharmacy on a military base, do I need to apply for a waiver?

A: No, prescriptions being filled by a pharmacy located on federal property are exempt in the law and prescription pads can be requested from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control (OBNDD) for the purpose of issuing those prescriptions.

6. **Q:** I sometimes write prescriptions for compounds and my electronic prescribing software does not allow compounds to be sent electronically, do I need to apply for a waiver?

A: No, prescriptions for compounds containing two or more products are automatically exempt and prescription pads can be requested from the OBNDD for the purpose of issuing those prescriptions.

7. **Q:** If I qualify for an exemption, how do I order official prescription forms from the OBNDD?

A: As information becomes available it will be posted to the OBNDD website as well as emailed through PMP and Registration. The ordering process will differ depending on the exemption type but clear instructions and guidance will be provided in the near future.

8. **Q:** If I receive official prescription forms from the OBNDD, where will they be delivered?
- A:** Official prescription forms issued to a registered practitioner shall be imprinted only with the primary practice address listed on the registration of the practitioner. Such prescriptions shall be sent only to the primary practice address of the registered practitioner.
9. **Q:** Can I use the official prescription forms from the OBNDD for all prescriptions, including prescriptions for antibiotics, blood pressure, cholesterol, or diabetes medications, or other non-controlled substances?
- A:** No, official prescription forms from the OBNDD can only be used for controlled dangerous substances. In 63 O.S. 2-309(D)(1) a "Prescription" is one issued by a practitioner to a pharmacist for a controlled dangerous substance for a particular patient.
10. **Q:** If only a few days of a controlled substance are prescribed, does the prescription need to be transmitted electronically?
- A:** Yes. Any amount of controlled substances being prescribed requires the prescription to be transmitted electronically. There are two exceptions that may be pertinent to APRNs:
- A. dosages of Schedule III or IV drugs medically required for a period not to exceed seventy-two (72) hours which are administered by or on direction of a practitioner, other than a pharmacist, or medication dispensed directly by a practitioner, other than a pharmacist, to an ultimate user; or
 - B. in emergency situations such drug may be dispensed upon oral prescription reduced promptly to writing and filed by the pharmacist in a manner to be prescribed by rules and regulations of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.
- Note:** Prescriptive authority for APRNs shall not include dispensing drugs, but shall not preclude, subject to federal regulations, the receipt of, the signing for or the dispensing of professional samples to patients. [59 O.S. § 567.3a (6)(7)(8)]
11. **Q:** I do telemedicine from another state but my patients are oftentimes in Oklahoma, do I need OBNDD prescription pads?
- A:** OBNDD prescription forms will only be provided to those with a physical practice address in the state of Oklahoma. The address will be based on the primary practice address registered with OBNDD.

12. **Q:** If I, or my prescription, is one of those included in the exemption list, how do I issue CDS prescriptions?
A: All prescriptions that are exempted shall be issued on an official prescription form provided by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.
13. **Q:** Can an agent or employee of the prescriber create or prepare an electronic prescription?
A: Yes. Oklahoma statute does not prohibit an agent of the practitioner from preparing an electronic prescription for the practitioner's review and electronic signature.
14. **Q:** Can an agent or employee of the prescriber electronically sign an electronic prescription?
A: No. Practitioners are authorized to prescribe by virtue of the practitioner's prescribing authority. Therefore, only the practitioner may review and sign the prescription.
15. **Q:** Can an agent or employee of the prescriber transmit an electronic prescription to the pharmacy?
A: The signing and transmission of an electronic prescription are two distinct actions. Only the practitioner may review and electronically sign the prescription. Once signed, an agent or employee of the practitioner may transmit the prescription on behalf of the practitioner. The act of transmission must be independent of the review and signature process.
16. **Q:** Does a practitioner still have to consult the Prescription Monitoring Program (PMP) when e-prescribing?
A: Yes. The practitioner must consult the PMP prior to prescribing opiates, synthetic opiates, semisynthetic opiates, benzodiazepine, or carisoprodol and every 180 days regardless of how the prescription is issued.