

Prescription Transferability Laws

A PRESCRIPTION TRANSFER is the oral or electronic movement and subsequent recording of a prescription between pharmacies in accordance with federal and state laws. Transferring a prescription from one pharmacy to another is easy as long as the medication is not a controlled substance. Typically, prescription transfers are requested by visiting your pharmacy or may be requested online. Because of their potential for abuse, the transfers of controlled substance prescriptions are highly regulated. All pharmacies must adhere to the specific rules set forth by the DEA when transferring controlled substances prescriptions.



Objective:



Summarize the procedures to transfer a prescription.

Key Terms:



abuse
controlled substance
DEA
DEA number
drug diversion

e-prescribing
pharmacist
pharmacy technician
physical dependence
prescription

prescription transfer
psychological
dependence

Understanding Prescription Transferability Laws

A **prescription** is an order for medication dispensed to or for an ultimate user. A prescription is not an order for medication dispensed for immediate administration to the ultimate user. For instance, an order to dispense a drug to an inpatient for immediate administration in a hospital is not a prescription. A prescription for a controlled substance must be dated and

signed on the date when it is issued. The prescription must include the patient's full name and address as well as the practitioner's full name, address, and DEA registration number (https://www.deadiversion.usdoj.gov/pubs/manuals/pharm2/pharm_content.htm). The prescription must include drug name, strength, dosage form, quantity prescribed, directions for use, and number of refills authorized.

A **prescription transfer** is the oral or electronic movement and subsequent recording of a prescription between pharmacies in accordance with federal and state laws. Pharmacy laws require the transferring pharmacist to cancel the original prescription and record the cancellation.

Pharmacy laws require the receiving pharmacist to record the details of the prescription's information as required by law:

- ◆ Transfer action
- ◆ Transferring pharmacist
- ◆ Date of original and transferred prescription
- ◆ Date of first dispensing of the prescription
- ◆ Number of refills authorized by the original prescription
- ◆ Complete refill record as of the date of transfer
- ◆ Number of refills remaining as of the date of transfer



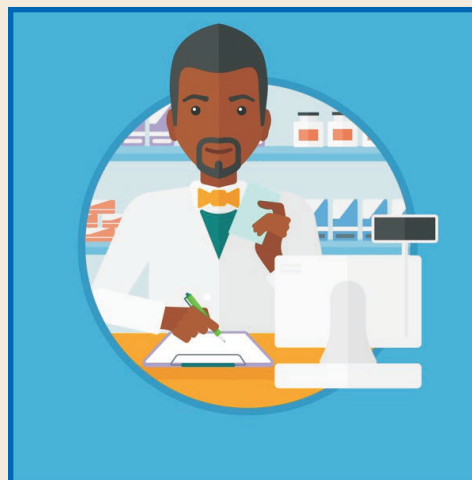
FURTHER EXPLORATION...

ONLINE CONNECTION:

Pharmacies Offer Cash for Transferred Prescriptions

The cost of prescription drugs can be a drain on anyone's budget. There are ways to save money on your prescription drug needs each month. Read "Pharmacies Offer Cash for New, Transferred Prescriptions" at the following website:

<http://www.postandcourier.com/article/20130901/PC05/130909953/pharmacies-offer-cash-for-new-transferred-prescriptions>



A prescription transfer is the oral or electronic movement and subsequent recording of a prescription between pharmacies in accordance with federal and state laws. Common reasons for a transfer are prescription cost, pharmacy hours of operation, pharmacy location, and pharmacy service issues.

PHARMACY PERSONNEL RESPONSIBLE FOR PRESCRIPTION TRANSFERS

Filling a prescription is one of the most important and commonly performed duties of a pharmacist. The pharmacist and the pharmacy technician are responsible for the process to transfer a customer's prescription. A **pharmacist** is a professional qualified and licensed to prepare and dispense medicinal drugs. In a prescription transfer process, one pharmacist is the "transferring pharmacist," and the other pharmacist is the "receiving pharmacist." A **pharmacy technician** is a healthcare provider who performs pharmacy-related duties under the supervision of a licensed pharmacist.

Pharmacies provide prescription transfer services to patients for the purpose of dispensing authorized refills on the prescription provided that refills remain on the prescription and the prescription authorizing the refill has not expired. Common reasons for a transfer are:

- ◆ Prescription cost
- ◆ Pharmacy hours of operation
- ◆ Pharmacy location
- ◆ Pharmacy service issues

Transfer Procedure

A pharmacist may transfer a previously filled prescription from one pharmacy to another. Most state boards of pharmacy prefer that prescription transfers be allowed to occur once. A pharmacy technician may assist the pharmacist in the transfer of a prescription. Under the supervision of the pharmacist, the technician may fax a copy of a prescription to another pharmacy. The pharmacist directs the technician on what information is needed from the receiving or the transferring pharmacy. Notation is made—in the patient profile and on the original prescription—that the script was transferred.

E-Prescribing Process

According to the Centers for Medicare & Medicaid Services, **e-prescribing** (eRx) is a prescriber's "ability to electronically send an accurate, error-free, and understandable prescription directly to a pharmacy from the point-of-care" (<https://www.cms.gov/Medicare/E-Health/Eprescribing/index.html?redirect=/eprescribing>).



FIGURE 1. For the purpose of initial or refill dispensing, the transfer of original prescription drug order information is permissible between pharmacies. The pharmacist or a pharmacy technician working under the supervision of a pharmacist communicates the transfer.

The July 2006 Institute of Medicine report on the role of e-prescribing in reducing medication errors received widespread publicity, helping to build awareness of e-prescribing's role in enhancing patient safety. Adopting the standards to facilitate e-prescribing is one of the key action items in the government's plan to expedite the adoption of electronic medical records and build a national electronic health information infrastructure in the United States.

The Medicare Modernization Act (MMA) created a new voluntary prescription drug benefit under Medicare Part D. Although e-prescribing will be optional for physicians and pharmacies, Medicare Part D will require drug plans participating in the new prescription benefit to support electronic prescribing.

With electronic prescribing, a doctor enters information into a computer about drugs a patient may need. This electronic prescription is sent over a secure network to the patient's pharmacy of choice. The pharmacy receives the prescription and can begin filling it right away.

PROCESS TO TRANSFER CONTROLLED SUBSTANCE PRESCRIPTIONS

Schedule Drug Transfers

A prescription for a controlled substance may only be issued by a physician, dentist, podiatrist, veterinarian, mid-level practitioner, or other registered practitioner.

- ◆ The prescriber must be authorized to prescribe controlled substances by the jurisdiction in which the practitioner is licensed to practice.
- ◆ The prescriber must be registered with DEA or exempted from registration (e.g., Public Health Service, Federal Bureau of Prisons, military practitioners).
- ◆ The prescriber must be an agent or employee of a hospital or other institution acting in the normal course of business or employment under the registration of the hospital or other institution registered in lieu of the individual practitioner being registered, provided that additional requirements as set forth in the Code of Federal Regulations (C.F.R.) are met.

Controlled Substance

A **controlled substance** is a drug or chemical whose manufacture, possession, or use is regulated by the federal or state government. A prescription for a controlled substance requires additional care because of the potential for a patient to intentionally or unintentionally **abuse** (use improperly) the drug. Many of these drugs have a high likelihood for physical and/or psychological dependence.

Physical Dependence

Physical dependence is a condition in which the body has become accustomed to the presence of a drug, so stopping the drug can cause symptoms (e.g., shaking, sweating, nausea, vomiting, and/or seizures).

Psychological Dependence

Psychological dependence is an emotional need or craving for a drug that has no underlying physical need.

Drug Diversion

A **drug diversion** is a medical and legal concept involving the transfer of any legally prescribed controlled drug or substance from the individual for whom it was prescribed to another person for any illicit use.

Categories for Controlled Substances

Controlled substances are organized into categories based on the potential for abuse and their accepted medical benefit to the patient on a scale from I to V. Schedule I drugs are considered the most dangerous and have no medical benefit. Schedule V drugs are considered the least dangerous.

Schedule I

Schedule I drugs or substances have a high potential for abuse and no current accepted medical use in treatment. Examples are heroin, LSD, marijuana, and peyote.

Schedule II

Schedule II drugs or substances have a high potential for abuse but have a currently accepted medical use in treatment. Examples are morphine, oxycodone, Ritalin, Vicodin, and fentanyl.

Schedule III

Schedule III drugs or substances have a moderate potential for abuse but have a currently accepted medical use in treatment. Examples are codeine, testosterone, and anabolic steroids.

Schedule IV

Schedule IV drugs or substances have a low potential for abuse but have a currently accepted medical use in treatment. Examples are Valium, Xanax, and Ambien.

Schedule V

Schedule V drugs or substances have the lowest potential for abuse and have a currently accepted medical use in treatment. Examples are liquid cough preparations containing codeine, Lomotil, and Lyrica.



FIGURE 2. “Controlled Substance” must be indicated on the label of any prescription for a controlled substance. All prescription medications for controlled substances in Schedules II, III, and IV must contain the statement “Caution: Federal law prohibits the transfer of the drug to any person other than the patient for whom it was prescribed.”

Drug Enforcement Administration (DEA)

The Drug Enforcement Administration or **DEA** is the federal agency responsible for the supervision of the use of controlled substances. A DEA-registered pharmacy may transfer original prescription information for Schedules III, IV, and V controlled substances to another registered DEA pharmacy for the purpose of refill dispensing between pharmacies on a one-time basis. If the pharmacies share a common online database, the prescription may be transferred up to the maximum number of refills permitted by the law and the prescriber's authorization.

Schedule Prescription Transfer Procedure

Schedule II controlled substances require a written prescription that must be signed by the practitioner. Since there are no allowable refills on a Schedule II controlled substance, transferring these prescriptions is prohibited. The transfer of a prescription for Schedule III, IV, and V controlled substances must take place directly between two licensed pharmacists. The transferring pharmacist is responsible for the following:

- ◆ The word “Void” must be written on the face of the invalidated prescription.
- ◆ For electronic prescriptions, information that the prescription has been transferred must be added to the prescription record.
- ◆ On the reverse side of the invalidated prescription must be written the name, address, and the **DEA number** (a unique numeric indicator assigned by the DEA to track the distribution of controlled substances) of the pharmacy to which the prescription was transferred, plus the name of the pharmacist receiving the prescription information.

The date of the transfer and the name of the pharmacist transferring the prescription must be recorded. In addition, the receiving pharmacist is responsible for the following:

The word “Transfer” must be written on the front of the transferred prescription. Also, the following information must be recorded:

- Date of issuance of the original prescription
- The original number of refills authorized on the original prescription
- Date of the original dispensing
- Number of valid refills remaining and dates and locations of previous refills
- Pharmacy name, address, DEA number, and prescription number from which the prescription information was transferred
- Name of the transferring pharmacist



FIGURE 3. Proper labeling is one of the most important aspects of dispensing a prescription. The label must comply with state and federal regulations and should correctly and clearly convey all necessary information (e.g., patient name, directions for use, dosage, prescribers name, number of refills, and date of initial dispensing).

- Pharmacy name, address, DEA number, and prescription number from which the prescription was originally filled
- The original and transferred prescription is maintained for a period of two years from the date of the last refill

Summary:



The transfer of prescriptions between pharmacies is a common practice. Cost, location, and type of service received are factors that influence where a customer or patient chooses to fill a prescription. These factors can influence a customer's choice to transfer a prescription. Pharmacists and pharmacy technicians must abide by all federal and state laws when filling or transferring a prescription. E-prescribing (eRx) is a prescriber's ability to electronically send an accurate, error-free, and understandable prescription directly to a pharmacy from the point-of-care.

Checking Your Knowledge:



1. Describe the pharmacy personnel who may transfer a prescription from one pharmacy to another.
2. Explain the schedule of controlled substances.
3. Describe which controlled substance prescriptions may be transferred.
4. List the responsibilities of the transferring pharmacist.
5. List the responsibilities of the receiving pharmacist.

Expanding Your Knowledge:



Contact or visit your local pharmacy. Ask the pharmacist for the most common reasons that customers transfer a prescription. Ask the pharmacist to describe any circumstances for which he or she would refuse to transfer a customer's prescription. Then ask the pharmacist to describe the situation and how the situation was resolved. Share your findings with the class.

Web Links:



Controlled Substances Act

<http://www.pharmacytimes.com/publications/issue/2007/2007-02/2007-02-6309>

Finding the Right Pharmacy

<http://www.consumerreports.org/cro/magazine/2014/03/finding-the-right-pharmacy/index.htm>

Your Medication on Vacation

<https://healdove.com/health-care-industry/FILLING-PRESCRIPTIONS-WHILE-TRAVELING>