

Wyoming Administrative Rules

Pharmacy, Board of

Commissioner of Drugs & Substances Control

Chapter 10: Issuing and Dispensing Prescriptions for Controlled Substances

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Issuing and Dispensing Prescriptions for Controlled Substances

Chapter 10

Section 1. Authority.

These rules are promulgated as authorized by the Wyoming Controlled Substances Act; W.S. § 35-7-1001 through 35-7-1063.

Section 2. Definitions.

(a) "Electronic prescription" means the computer to computer transmission of prescription data that meets the federal requirements for electronically prescribed controlled substances (EPCS).

(b) "Security paper" means standardized paper used for issuing controlled substance prescriptions to help prevent tampering, counterfeiting, and fraudulent use of controlled substances.

Section 3. General Requirements for all Controlled Substance Prescriptions.

(a) A controlled substance prescription shall be issued only by a practitioner who is either registered or exempted from registration.

(b) A practitioner, other than a pharmacy, may directly dispense controlled substances to a patient.

(c) In order for a controlled substance prescription to be effective it must be issued for a legitimate medical purpose by a practitioner acting in the usual course of his/her professional practice. The responsibility for the proper prescribing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who dispenses the prescription.

(d) An individual practitioner may issue multiple controlled substance prescriptions authorizing the patient to receive a total of up to a ninety (90) day supply of a Schedule II controlled substance provided the following conditions are met:

(i) Each individual prescription shall be dated with the date it was issued;

(ii) The practitioner provides instructions on each prescription indicating the earliest date on which a pharmacy may dispense each prescription (other than the first prescription, if the prescribing practitioner intends for that prescription to be filled immediately); and

(iii) The practitioner concludes that providing the patient with multiple prescriptions in this manner does not create an undue risk of diversion or abuse.

(iv) Practitioners shall not issue multiple prescriptions to circumvent the seven (7) day prescribing limits outlined in W.S. 35-7-1030(e).

(e) Practitioners shall not issue controlled substance prescriptions to an individual practitioner for the purpose of general dispensing to patients.

(f) All controlled substance prescriptions shall contain the following:

- (i) The patient's full name and address;
- (ii) Name and strength of the drug;
- (iii) Quantity to be dispensed;
- (iv) Directions for using the drug;
- (v) Date issued by the practitioner; and
- (vi) The practitioner's full name, address, telephone number, and DEA registration.

Section 4. Issuing Electronic Controlled Substance Prescriptions.

(a) The practitioner's electronic prescription system and the receiving pharmacy's dispensing system shall comply with federal law and regulation for electronic prescriptions of controlled substances.

(b) Practitioners and practitioner's agents shall transmit EPSCs to the pharmacy of the patient's choice.

Section 5. Exemptions to Electronic Prescribing Requirement.

(a) A practitioner may authorize a verbal controlled substance prescription in the case of an emergency situation. Emergency situations are those situations in which the prescribing practitioner determines:

(i) That immediate administration of the controlled substance is necessary for the proper treatment of the patient;

(ii) No appropriate alternative treatment is available, including administration of a drug which is not a controlled substance; and

(iii) It is not reasonably possible for the prescribing practitioner to provide an electronic prescription to be transmitted to the pharmacy prior to dispensing.

(b) In the case of an emergency situation, a pharmacist may directly dispense a controlled substance upon receiving verbal authorization from a practitioner, provided that:

(i) The quantity prescribed and dispensed shall be limited to the amount necessary to treat the patient during the emergency period (dispensing beyond the emergency period must be pursuant to a valid controlled substance prescription from the practitioner);

(ii) The emergency verbal prescription shall be immediately reduced to writing by the pharmacist and shall contain all of the information required of a valid prescription;

(iii) If the practitioner is not known to the pharmacist, the pharmacist shall make a reasonable effort to determine that the verbal authorization came from a registered practitioner; and

(iv) The practitioner shall cause a valid controlled substance prescription for the emergency quantity prescribed to be transmitted to the dispensing pharmacy. This valid controlled substance prescription shall include "Authorization for Emergency Dispensing" and the date of the verbal order. Upon receipt, the dispensing pharmacist shall attach this prescription to the verbal emergency prescription which had earlier been reduced to writing. The pharmacist shall notify the DEA if the practitioner fails to deliver the electronic prescription as required by federal regulation.

(c) A controlled substance prescription may be issued on security paper or faxed to a pharmacy when

(i) The patient resides in a nursing home, long-term care facility, correctional facility, or jail;

(ii) The patient is terminally ill. The prescription shall have written on its face "terminally ill," "hospice," or "palliative care;"

(iii) The prescription is to be filled at a pharmacy outside of Wyoming or at a pharmacy within federal jurisdiction. The practitioner shall write on the face of the prescription "Not to be dispensed in Wyoming" or indicate that the prescription shall be dispensed at a pharmacy within a federal jurisdiction

(iv) The prescription is issued by a licensed veterinarian;

(v) The prescription is issued by a practitioner working at a federal facility;

(vi) The prescription is for a compounded preparation containing two or more components; or

(vii) The prescription is for a Schedule II controlled substance that is to be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion.

(viii) The practitioner's electronic prescribing system is not functioning. The practitioner shall not prescribe for more than a thirty (30) day supply and shall write on the face of the prescription "E-Prescribing System Not Functioning."

Section 6. Additional Requirements for Non-Electronic Prescriptions for Controlled Substances.

(a) All non-electronic controlled substance prescriptions shall meet the following requirements;

(i) The controlled substance prescription shall be issued on security paper. Any controlled substance prescription issued by a Wyoming practitioner that is on non-security paper shall not be dispensed by a pharmacist.

(ii) All non-electronic controlled substance prescriptions issued by a practitioner shall be wet signed.

(iii) All non-electronic controlled substance prescriptions shall be dated and signed with the date they are issued to the patient.

(b) Non-electronic controlled substance prescriptions shall not contain stickers.

(c) Non-electronic controlled substance prescriptions shall not be written in pencil.

Section 7. Dispensing Controlled Substance Prescriptions.

(a) The pharmacist or employee under supervision shall verify the identity of the person who presents a non-electronic controlled substance prescription or receives any controlled substance prescription.

(i) Identification may be done by visual recognition.

(ii) Identification may be verified by state or federally issued identification.

(iii) The pharmacist or employee shall record the individual's name, identification, and identification number.

(iv) The recorded information shall be readily retrievable.

(b) If a controlled substance prescription is mailed to a patient, the pharmacist or employee shall record the name, address, and date the prescription was mailed. This information shall be readily retrievable.

(c) No controlled substance prescription shall be valid more than six (6) months after the date it was issued by the practitioner.

(d) The pharmacist, after consultation/approval of the prescribing practitioner, may change or add the following on a controlled substance prescription:

(i) Drug strength;

(ii) Drug quantity;

(iii) Directions for use;

(iv) Dosage form;

(v) Date to be dispensed;

(vi) The patient's address with proper verification without consulting the practitioner.

(vii) The practitioner's DEA registration, address, or telephone number after verifying the information from another reliable source.

(e) A pharmacist shall not change the following on a controlled substance prescription:

- (i) Patient's name;
- (ii) Controlled substance prescribed;
- (iii) Date issued; or
- (iv) The prescribing practitioner.

(f) A pharmacist shall document any change or addition made to a controlled substance prescription. The documentation shall include the date, name of person consulted, and initials of the pharmacist making the change.

(i) Pharmacists may make computer generated modifications to the controlled substance prescription.

(ii) Any changes or additions made by the pharmacist may appear on the front or back of the non-electronic controlled substance prescription.

(g) Pharmacies shall label dispensed controlled substance prescriptions according to the requirements in the Wyoming Pharmacy Act Rules Chapter 2.

(h) The pharmacist shall make a reasonable effort to determine that controlled substance prescriptions from out of state practitioners came from a registered practitioner before dispensing the controlled substance.

Section 8. Refilling Prescriptions for Controlled Substances.

(a) A Schedule II controlled substance prescription shall not be refilled.

(b) No Schedule III, IV, or V-controlled substance shall have more than five (5) refills authorized.

(c) The pharmacy shall document each refill of Schedule III, IV, and V-controlled substance prescriptions. The documentation shall be readily retrievable and shall include the date, quantity dispensed, and the name of the dispensing pharmacist.

Section 9. Partial Filling of Controlled Substances.

(a) A Schedule II controlled substance prescription may be partially filled if:

- (i) The patient or practitioner requests a partial fill; or
- (ii) The pharmacist is unable to supply the full quantity prescribed; and
- (iii) The total quantity dispensed in all partial fillings does not exceed the total quantity prescribed; and
- (iv) The remaining portions of the partially filled Schedule II controlled substance prescription is dispensed no later than thirty (30) days, or sixty (60) days for terminally ill or long term care facility patients, after the date on which the prescription is issued.

(b) For each partial filling of a Schedule II controlled substance the dispensing pharmacist shall record:

- (i) The date of the partial filling;
- (ii) Quantity dispensed;
- (iii) Remaining quantity authorized to be dispensed; and
- (iv) Identification of the dispensing pharmacist.

(c) Schedule III, IV, and V controlled substance prescriptions may be partially filled, provided that:

- (i) Each partial filling is recorded in the same manner as a refilled Schedule III, IV, or V controlled substance prescription;
- (ii) The total quantity dispensed in all partial fillings does not exceed the total quantity prescribed; and
- (iii) The prescription is not dispensed after six (6) months from the date that the prescription was issued.

(d) Pharmacists and practitioners shall not partially fill opioids or combinations of opioids to circumvent the seven (7) day prescribing limits outlined in W.S. 35-7-1030(e).

Section 10. Transferring Controlled Substance Prescription Orders Between Pharmacies.

- (a) The transfer of a controlled substance prescription shall be communicated directly between two licensed pharmacists;
- (b) The information required to be communicated and recorded for the transfer of non-controlled substance prescriptions between pharmacies in Chapter 2 of the Wyoming Pharmacy Act Rules shall also be communicated and recorded for the transfer of controlled substance prescriptions with the addition that

(i) The DEA registration number of the transferring pharmacy shall be provided to and recorded by the receiving pharmacist and

(ii) The DEA registration number of the receiving pharmacy shall be provided to and recorded by the transferring pharmacist.

(c) A Schedule II controlled substance prescription shall not be transferred, with the exception that an unfilled original EPCS may be transferred from one pharmacy to another pharmacy one time.

(d) Unfilled non-electronic Schedule III, IV, and V controlled substance prescriptions shall not be transferred.

(e) A Schedule III, IV, or V controlled substance prescription may be transferred only one time. Pharmacies sharing a real-time, online database may transfer up to the maximum refills permitted by law and the practitioner's authorization.