

Controlled Substance Prescriptions in California

By Grant Miller, DVM, CVMA Director of Regulatory Affairs



specified features to prevent copying, chemical features that prevent alteration, as well as strict quantity and refill formatting. These security features are included in addition to the required prescription information needed by pharmacies to fill a prescription. As prescribers, veterinarians have no control over the format or content of a controlled substance prescription. The companies that print them are trained by the DOJ and will inform the ordering prescriber of all the necessary information needed to comply with state law. A list of approved printing companies can be found at <https://oag.ca.gov/security-printers/approved-list>.

As prescribers of controlled substances, California-licensed veterinarians must understand and abide by both federal and state controlled substance prescription laws. In the state, controlled substance prescription diversion is led by the California Department of Justice (DOJ) and supported by the California Board of Pharmacy (BOP). On the national front, the Federal Drug Enforcement Administration (DEA) enforces regulations to curb controlled substance prescription abuse. Both federal and state laws are intended to create a standardized system with tracking, accountability, and checks and balances; all of which are intended to aid in controlled substance diversion.

Controlled Substance Prescription Pads

In California, all medical licensees with DEA registration must issue controlled substance prescriptions from special prescription pads printed only by DOJ-approved printing companies. The pads have special security features which make altering them difficult. By state law (California Health and Safety Code Section 11162.1), a controlled substance prescription must contain 14 specific elements including a special watermark,

If a prescriber would like to verify that his or her controlled substance prescriptions are compliant, or would like to report a nonconforming prescription, the DOJ accepts reports via email at SecurityPrinter@doj.ca.gov.

Limitations in Prescribing Controlled Substances

Since January 1, 2004, prescriptions for all controlled substances (schedules II–V) are valid for six months from the date written.

The DEA enforces more stringent regulations for schedule II controlled substances than for schedules III to V. This is due to the addiction potential and prevalent abuse and diversion statistics for schedule II drugs. Examples of schedule II controlled substances used in veterinary practice include oxymorphone, oxycodone, hydrocodone, hydromorphone (hycodan), codeine, fentanyl, methadone, and pentobarbital. The following are special prescription limitations for schedule II controlled substances:

- Schedule II prescriptions may not be refilled. Prescribers should mark zero or no refills (NR). In other words, there is a “one script, one fill” rule in place for all schedule II controlled substances.

- Schedule II prescriptions may not be orally transmitted or faxed. They must be written and presented to a pharmacist in original form.

While the DEA regulations provide a minimum standard for controlled substance diversion, it is important to note that many pharmacies and pharmacy associations follow self-imposed rules that are more stringent. Therefore, some pharmacies may refuse to fill a controlled substance prescription for more than a 30-day supply.

Issuance of Multiple Prescriptions for Schedule II Substances

Under DEA regulations which became effective in 2007, an individual practitioner may issue multiple prescriptions authorizing the patient to receive a total of up to a 90-day supply of a schedule II controlled substance provided the following conditions are met:

1. Each separate prescription is issued for a legitimate medical purpose by an individual practitioner acting in the usual course of professional practice.
2. The individual practitioner provides written instructions on each prescription (other than the first prescription, if the prescribing practitioner intends for that prescription to be filled immediately) indicating the earliest date on which a pharmacy may fill each prescription.
3. The individual practitioner concludes that providing the patient with multiple prescriptions in this manner does not create an undue risk of diversion or abuse.
4. The issuance of multiple prescriptions is permissible under applicable state laws.
5. The individual practitioner complies fully with all other applicable requirements under the Controlled Substances Act and Code of Federal Regulations, as well as any additional requirements under state law.

For more information about controlled substances and controlled substance prescription pads, visit the CVMA InLine website at cvma-inline.net and click on the Pharmaceutical section in the right menu under the Regulatory Compliance tab.

This article is for informational and general educational purposes only. It is not intended to take the place of legal advice nor should it be considered as a legal interpretation. Although significant effort has been made to ensure the accuracy and completeness of the information at the time of publication, the CVMA shall not be responsible for any errors or omissions, or any agency's interpretation, application, or enforcement of the information presented herein. ■



CVMA Legal Services Benefit



This benefit entitles CVMA member veterinarians up to one-half hour of telephone and research work per month with an attorney from Wilke, Fleury, Hoffelt, Gould & Birney, LLP.

Services offered:

- Business tax issues
- Business owner succession planning
- Cal/OSHA issues
- Contract issues
- Employment law
- Licensure issues
- Practice ownership and organizational structure
- Regulatory and administrative law
- Veterinary Medical Board enforcement issues

Services not included:

- Criminal law
- Domestic relations

1) Call Wilke Fleury at 916.441.2430

2) Provide your CVMA member ID number

3) Ask for Dan Baxter for issues pertaining to:

- Veterinary Medical Board
- Administrative/regulatory issues

Ask for Steve Marmaduke for issues pertaining to:

- Employment
- Contract
- Lease
- Practice succession or related issues

This program generously sponsored by

