

# Frequently Asked Questions on E-Prescribing of Controlled Substances

## Purpose

The frequently asked questions and answers below are intended to provide general information regarding the e-prescribing of controlled substances (EPCS). The information is not intended to provide specific information about every aspect of related laws, nor is it intended to serve as legal advice to anyone including organizations subject to the law.

## Resources

### **The Minnesota Prescription Monitoring Program (PMP)**

([www.pmp.pharmacy.state.mn.us/frequently-asked-questions-faq.html](http://www.pmp.pharmacy.state.mn.us/frequently-asked-questions-faq.html)) provides frequently asked questions on the program, user accounts, dispensers (pharmacy) and controlled substance insight alerts (CSIA). These resources address questions and provide up-to-date information regarding the PMP.

### **United States Drug Enforcement Administration (DEA), Diversion Control**

**Division** ([www.dea diversion.usdoj.gov/ecommm/e\\_rx/](http://www.dea diversion.usdoj.gov/ecommm/e_rx/)) provides additional detail on the DEA rule on Electronic Prescription for Controlled Substances. This resource address questions and provide up-to-date information and clarity on compliance with the DEA rule.

## Frequently Asked Questions: Minnesota e-Prescribing

### What is e-prescribing?

E-prescribing is secure bidirectional electronic information exchange between prescribers, dispensers, and group plans. This can happen directly or through an intermediary network. E-prescribing encompasses exchanging prescriptions, checking the prescribed drug against the patient's health plan formulary of eligible drugs, checking for any patient allergy to a drug or drug-drug interactions, accessing a patient's medication history, and sending or receiving an acknowledgement that the prescription was filled.

Source: [A Practical Guide to Electronic Prescribing, Edition 2 \(www.health.state.mn.us/e-health/eprescribing/docs/erxguide2015.pdf\)](http://www.health.state.mn.us/e-health/eprescribing/docs/erxguide2015.pdf)

### What is e-prescribing of controlled substances?

E-prescribing of controlled substances (EPCS) refers to the use of e-prescribing functionality for transmission of prescriptions for those controlled substances included in Schedules II, III, IV, and V. The DEA requires additional technology and security requirements for EPCS. This

includes identity proofing using two-factor authentication credentials (prescribers) and an application/information system or technology reviewed and certified that it complies with the DEA's requirements (prescribers and dispensers).

Sources:

[Minnesota Statutes, Section 152.11 \(www.revisor.mn.gov/statutes/?id=152.11\)](http://www.revisor.mn.gov/statutes/?id=152.11)

[DEA, Diversion Control Division \(www.deadiversion.usdoj.gov/ecom/e\\_rx/\)](http://www.deadiversion.usdoj.gov/ecom/e_rx/)

## Is electronic prescribing of controlled substances *allowed* in Minnesota?

Yes. The Drug Enforcement Administration's rule "Electronic Prescriptions for Controlled Substances," which became effective on June 1, 2010, *allows* e-prescribing of controlled substances. The rule revises DEA regulations to provide practitioners with the option of writing prescriptions for controlled substances electronically. The regulations also permit pharmacies to receive, dispense, and archive these electronic prescriptions.

Minnesota Statutes, Section 152.11, was revised in 2012 to *allow* controlled substances to be electronically prescribed in accordance with applicable federal rules.

Sources:

[Minnesota Statutes, Section 152.11 \(www.revisor.mn.gov/statutes/?id=152.11\)](http://www.revisor.mn.gov/statutes/?id=152.11)

[DEA, Diversion Control Division \(www.deadiversion.usdoj.gov/ecom/e\\_rx/\)](http://www.deadiversion.usdoj.gov/ecom/e_rx/)

## Are controlled substances *required* to be prescribed electronically in Minnesota?

Yes. The Minnesota e-prescribing mandate (Minnesota Statutes, Section 62J.497), requires the e-prescribing of all prescriptions, unless expressly prohibited by other sections of state law or federal law.

Source:

[Minnesota Statutes, Section 62J.497, Subdivision 3 \(www.revisor.mn.gov/statutes/?id=62J.497\)](http://www.revisor.mn.gov/statutes/?id=62J.497)

## Is there a penalty for not e-prescribing controlled substances?

Currently, there is no penalty for not complying with the e-prescribing mandate. MDH recognizes that the technology and security requirements for EPCS require additional resources. Nonetheless, MDH expects prescribers, group purchasers, and dispensers to comply with the mandate.

Compliance with the mandate for EPCS allows organizations to realize a range of benefits:

- Increased efficiency and quality outcomes;
- Improved ability to avoid adverse events;
- Reduced number of lost paper prescriptions;
- Elimination of handwriting errors/illegibility;

- Enabling better monitoring of controlled substances; and
- Increased patient satisfaction.

Source:

[Minnesota Statutes, Section 62J.497 \(www.revisor.mn.gov/statutes/?id=62J.497\)](http://www.revisor.mn.gov/statutes/?id=62J.497)

## How is ‘controlled substance’ defined for the purposes of EPCS in Minnesota?

Minnesota Statutes Section 152.11 states that for purposes of EPCS, a controlled substance is a substance, drug, or immediate precursor included in Schedules II, III, IV, or V in Minnesota Statutes, Section 152.02; Minnesota Rules, chapter 6800.4220 through 6800.4250; or the regulations established by the U.S. Drug Enforcement Administration (21 CFR 1308.12 through 1308.15).

## Which practitioners are *allowed* to prescribe controlled substances and which are *required* to e-prescribe controlled substances?

- Physicians, advanced practice registered nurses, dentists, and podiatrists who have a current DEA registration are *allowed* to prescribe controlled substances within the course and scope of professional practice. When doing so, they are *required* to use e-prescribing.
- Physician assistants who have delegated authority to prescribe controlled substances and who have a current DEA registration are *allowed* to prescribe controlled substances within the scope and course of professional practice. When doing so, they are *required* to use e-prescribing.
- Optometrists who have a current DEA registration are *allowed* to prescribe controlled substances within the scope and course of professional practice and as allowed by Minnesota Statutes, Section 148.56. When doing so, they are *required* to use e-prescribing.
- Veterinarians who have a current DEA registration are *allowed* to prescribe controlled substances within the scope and course of professional practice. However, they are **not** required to use e-prescribing because they are specifically exempt from the e-prescribing requirements found in Minnesota Statutes, Section 62J.497.

Sources:

[Minnesota Statutes, Section 147A.18 \(http://www.revisor.mn.gov/statutes/?id=147A.18\)](http://www.revisor.mn.gov/statutes/?id=147A.18)  
(physician assistants with delegated authority to prescribe, dispense, and administer drugs)

[Minnesota Statutes, Section 148.56 \(www.revisor.mn.gov/statutes/?id=148.56\)](http://www.revisor.mn.gov/statutes/?id=148.56) (optometrists)

[Minnesota Statute, Section 152.12, Subdivisions 1 and 2 \(www.revisor.mn.gov/statutes/?id=152.12\)](http://www.revisor.mn.gov/statutes/?id=152.12) (health care providers and veterinarians)

[Minnesota Statutes, Section 62J.497 \(www.revisor.mn.gov/statutes/?id=62J.497\)](http://www.revisor.mn.gov/statutes/?id=62J.497)(Electronic Prescription Drug Program)

## What are the benefits of e-prescribing controlled substances?

The benefits of e-prescribing include:

- Increased efficiency and quality outcomes;
- Improved ability to avoid adverse events;
- Reduced number of lost paper prescriptions;
- Elimination of handwriting errors/illegibility;
- Enabling better monitoring of controlled substances; and
- Increased patient satisfaction.

## Are there standards for e-prescribing controlled substances transactions that MN providers are required to follow?

Yes, there are standards for all e-prescribing transactions, including controlled substances. The standards include:

- NCPDP SCRIPT Standard for communication of prescription or prescription related information.
- NCPDP SCRIPT Standard for communicating and transmitting medication history information.
- NCPDP Formulary and Benefits Standard for communicating and transmitting formulary and benefit information.
- National provider identifier to identify a health care provider in e-prescribing or prescription-related transactions when a health care provider's identifier is required.

The standard for communicating eligibility information and conduct health care eligibility benefit inquiry and response is in Minnesota Statutes, Section 62J.536 536.

Source: [Minnesota Statutes, Section 62J.497 \(www.revisor.mn.gov/statutes/?id=62J.497\)](http://www.revisor.mn.gov/statutes/?id=62J.497)

## What is required by prescribers to e-prescribe controlled substances?

The DEA provides information on their requirements for e-prescribing controlled substances in their [FAQ for Prescribing Practitioners \(www.deadiversion.usdoj.gov/ecommm/e\\_rx/faq/practitioners.htm\)](http://www.deadiversion.usdoj.gov/ecommm/e_rx/faq/practitioners.htm).

## What is required by dispensers to receive electronic prescriptions of controlled substances?

The DEA provides information on their requirements for e-prescribing controlled substances in their [FAQ for Pharmacies \(www.deadiversion.usdoj.gov/ecommm/e\\_rx/faq/pharmacies.htm\)](http://www.deadiversion.usdoj.gov/ecommm/e_rx/faq/pharmacies.htm).

## Can I send an electronic prescription for a controlled substance to an out-of-state pharmacy?

Yes, provided that it is permitted by the laws of the state into which the prescription is being transmitted.

## Can I fill an electronic prescription for a controlled substance from an out-of-state provider?

Minnesota pharmacies may legally fill or refill, providing refill authorizations exist, prescriptions from prescribers practicing in any state. If the prescription is for a controlled substance in Schedule II, III, IV or V, the practitioner must be licensed to prescribe controlled substances by the state in which the prescription is issued and have a current federal DEA registration number.

Source:

[Minnesota Board of Pharmacy  
\(www.mn.gov/boards/pharmacy/resourcesfaqs/faqs/generalfaqs.jsp\)](http://www.mn.gov/boards/pharmacy/resourcesfaqs/faqs/generalfaqs.jsp).

## Is it required for pharmacists to receive electronic prescriptions for controlled substances?

Yes, pharmacists (defined in statute as dispensers) are required to comply with the e-prescribing mandate, which includes the electronic exchange of prescription or prescription-related information.

Source: [Minnesota Statutes, Section 62J.497 \(www.revisor.mn.gov/statutes/?id=62J.497\)](http://www.revisor.mn.gov/statutes/?id=62J.497)

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