



## Pharmacies Cannot Pre-Populate Prescription Forms

The Bureau of Narcotics and Dangerous Drugs has been receiving inquiries that pharmacies can no longer pre-populate a prescription form and then fax that form to a prescriber.

That information is correct because the federal regulations have never authorized pharmacists to do that. Pharmacies are not to pre-populate a prescription form. This has been the existing law and there have been no changes.

The federal regulation that dictates how prescribers must document controlled substance prescriptions is in federal regulation Title 21 CFR 1306.05(f), which states in material part:

*A prescription may be prepared by the secretary or agent for the signature of the practitioner, but the prescribing practitioner is responsible in case the prescription does not conform in all essential respects to the law and regulations. A corresponding liability rests upon the pharmacist.*

### Key Elements:

- The prescriber has the primary responsibility for the prescription;
- The person preparing the form must be the prescriber's agent;
- A pharmacist cannot prepare this form because:
  - A. The pharmacist is an agent of the pharmacy and not an agent of the prescriber;
  - B. After the prescription is signed by the prescriber, the pharmacy has a second and separate corresponding liability to insure legal dispensing requirements;
  - C. The prescriber must oversee the prescribing requirements and the pharmacist has a separate and second obligation when conducting dispensing activities.

### What may pharmacies do to comply in these cases?

- Pharmacies should not pre-populate and prepare controlled substance prescriptions for signature;
- Pharmacies may communicate information to a prescriber that a new prescription may be needed. This communication can be a telephone call, a fax, or an email, or other type of communication. The pharmacy may provide information to the prescriber, but the pharmacy should not be involved in preparing the prescription form.

To review the federal regulations online, you may visit the DEA website at [www.deadiversion.usdoj.gov](http://www.deadiversion.usdoj.gov) and click on the link to Info & Legal Resources and then click on the link to Title 21 Regulations and Codified CSA.