

RX News Bulletin

Bureau of
Narcotics & Dangerous Drugs

Summer 2020

Missouri Department of Health and Senior Services

health.mo.gov/safety/bndd/index.php

Reminder of Emergency Waivers:

BNDD reminds registrants that the waivers set in place by DHSS are in place for BNDD issues and will last until the end of the state of emergency. As the Governor extends our response, the waivers will continue.



Waivers Relating to the Bureau of Narcotics & Dangerous Drugs

Temporary Health Care Facilities Operation

Section 195.030.6 shall be waived to the extent necessary to allow temporary hospitals or other temporary health care facilities to be set up and operated during the State of Emergency, without first obtaining a registration.

Pharmacies Dispensing Emergency Supply of Controlled Substances

Section 195.060.1 shall be waived to the extent necessary to allow pharmacies to dispense an emergency supply of controlled substances to a patient if the pharmacy that originally filled the prescription is closed or unable to fill the prescription due to the State of Emergency. Pharmacists must make a good faith effort to verify the medication to be dispensed and the authorized prescriber and dosage form (e.g., as listed on the patient's prescription vial). Pharmacies/pharmacists must attempt to verify the

initial dispensing pharmacy is closed and unable to dispense the medication. The pharmacies/pharmacist may dispense up to a 14-day supply of emergency medication during the State of Emergency. The pharmacy providing the emergency dispensing must notify the prescribing practitioner in writing of the emergency dispensing within seven (7) days of the dispensing.

Annual Inventory by Missouri Controlled Substances Registrant

19 CSR 30-1.042(3) shall be waived to the extent necessary to allow annual inventories, which are due to be taken during the State of Emergency, to have their due dates extended to no later than 120 days after **Executive Order 20-02** is terminated.

Providing Written Prescriptions After Emergency Telephone Authorization

The Missouri BNDD is following the DEA waiver to allow 14-days instead of seven (7) days.

On Your Mark...Get Set...

BNDD Resuming Inspection Visits

BNDD has resumed inspection visits to registrants. The bureau is mindful of the risks to practitioners and patients and will be taking precautions on planning and performing tasks at selected locations. BNDD staff have been equipped with PPE such as hand sanitizer, gloves, and masks. Investigators may provide a list of records to be seen and the records may be brought to them in one place, in lieu of the investigator roaming around the practice setting. Inspections will be performed on a tablet and there will not be a requirement for the registrant to sign a form. Copies of the inspection materials will be scanned and emailed to the registrants.

Regulation Updates in Progress...

BNDD is in the process of updating some regulations to match the DEA and recent changes in statutes. Once approved, the rules will be filed in the Missouri Register where a thirty (30) day comment period will begin. The bureau is working on:

- **19 CSR 30-1.002**—Updating the list of controlled substances to match the DEA.
- **19 CSR 30-1.015 & 1.017**—Updating the process for applying online for registrations.
- **19 CSR 30-1.026**—Changing EMS registrations so that only one registration is required at a headquarters location and not at all secondary satellite locations.
- **19 CSR 30-1.064**—Updating the Schedule II partial dispensing rule to match the DEA so that partial dispensing can occur for 60 days.
- **19 CSR 30-1.066**—Amending the rule of dispensing by practitioners in their office setting. The rule is amended so that if the DEA authorizes a pharmacy to deliver a prescribed drug back to the physician for administration, the rule is updated to remind practitioners of the record keeping and security laws. This is in response to HB1682 just signed into law in July 2020 that amended Section 195.070.4, RSMo.
- **19 CSR 30-1.072**—Amending the rule for pharmacies dispensing without a prescription. The rule is amended in response to HB1682 signed into law in July 2020 that changes the way pharmacies may dispense methamphetamine precursor products such as pseudoephedrine. Pharmacies and local jurisdictions may no longer require a mandatory prescription so dispensing pharmacies will need to use the NPLeX database.

Pharmacies Joining NPLeX Pseudoephedrine Tracking Database

NPLeX stands for the National Precursor Log Exchange. This is the statewide database that tracks the sales of methamphetamine precursor products. There are currently approximately 1,369 retail pharmacies in Missouri. Available information at this time shows that 1,288 are available to use the NPLeX database. A review has shown that there are 49 local jurisdictions that have passed a local ordinance to require a mandatory prescription. This impacts approximately 81 pharmacies. Governor Parson signed HB1682 in July 2020 that changes the amounts of dispensing to only 7.2 grams per month and no more than 43.2 grams in a 12-month period. The new law also abolishes all local ordinances that require a prescription so that a prescription is not mandatory. This means the pharmacies in those locations will have to start using the NPLeX database. The new law goes into effect on August 28, 2020. To join the database, pharmacies may visit the website of Appriss, Inc. at <https://apprisshealth.com> or they may Google “NPLeX”. There is a link on the page for contact information and the

pharmacies can ask about joining the system. The existing contract provides for technical support, a toll free 800 number for calls and online tutorial videos to train staff.

Reporting Losses, Thefts, and Diversions to BNDD

At this time, the mandatory reporting of losses, thefts and diversion is a paper process. The form is available on the bureau’s website. Registrants complete a paper form and it is sent to the bureau. To make reporting easier and faster and to make the handling of data more efficient, the bureau is in the process of developing an online reporting system so that paper will not be required in the future. The bureau is using a federal grant and hiring a computer project specialist. In the future, the goal will be to have a link on the BNDD website where the data is submitted electronically and submitted. The data can be sent immediately without paper and it will stored electronically. The bureau will provide additional information, updates and instructions when the system is developed, tested and operational.

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