

Q & A Resulting from the Rescheduling of Hydrocodone

1. Are prescriptions for Hydrocodone written prior to October 6, 2014 valid after the new law goes into effect?

If the Hydrocodone prescription is issued as a Schedule III prior to the Federal Rule implementation on October 6th, the State will follow Federal Statutory guidelines on the filling of these prescriptions.

Hydrocodone prescriptions written effective October 6, 2014 will be required to be issued on the Official CII Prescription Form.

For more information regarding the Federal rule regarding Hydrocodone.
http://www.deadiversion.usdoj.gov/fed_regs/rules/2014/fr0822.htm

1. With Hydrocodone going to a schedule II drug, are physicians able to postdate a prescription?

Chapter 481.075 Texas Health and Safety Code provides the following: Each official prescription form or electronic prescription used to prescribe a Schedule II controlled substance must contain: (1) information provided by the prescribing practitioner, including: (A) the date the prescription is issued;

2. Effective October 6, 2014, will Hydrocodone prescription refills be honored?

The Department will match Federal Statute. Prior to October 6, 2014, Schedule III Hydrocodone original prescriptions issued with refills will be accepted into the State's database using a validation of the Prescription Original Issued Date. Effective October 6, 2014, Schedule II Hydrocodone prescriptions will be rejected if they were not issued on the Official CII Prescription or appropriate e-prescribing process as permitted by Texas Statute and Texas Administrative Code.

3. Will the Prescription Drug Monitoring Program accept the prescription since it is a refill or reject it because now Hydrocodone is a Schedule II and for Schedule II prescriptions a control number is required?

The Department's data collection vendor is making necessary coding changes to accept the Hydrocodone prescriptions issued prior to October 6, 2014 without the unique control number.

4. Since this drug is changing schedules, will the PDMP database work off written dates rather than the current Schedule of Hydrocodone to treat refills different than new prescriptions.

For Hydrocodone prescriptions written prior to October 6, 2014 the refills will be accepted based off the original issue date of the prescription.

5. A. Some pharmacy systems are not able to handle the refill scenario but are looking to reassign the original prescription. They are looking to handle the refills manually by reassigning the existing prescription to a new prescription with the proper documentation that this is a "refill".

Contact should be made with the Texas Pharmacy Board for guidance.

6. Does the Texas Department of Public Safety allow E-prescribing of Controlled Substances II - V?

E-prescribing capability for Schedule II prescriptions was implemented in October 2013.

7. Starting in October, will Emergency Room Nurse Practitioners and Physician Assistants need triplicate prescription pads?

Texas Health and Safety Code 481.075 OFFICIAL PRESCRIPTION PROGRAM. (a) A practitioner who prescribes a controlled substance listed in Schedule II shall, except as provided by rule adopted under Section 481.0761, record the prescription on an official prescription form or in an electronic prescription that includes the information required by this section.

(d) A person may not obtain an official prescription form unless the person is a practitioner as defined by Section 481.002(39) (A) or an institutional practitioner.

Texas Administrative Code 13.72 Prescriptions. (a) Schedule II Prescriptions

(1) A practitioner, as defined in the Act, §481.002(39)(A), must issue a written prescription for a Schedule II controlled substance only on an official Texas prescription form or through an electronic prescription that includes the controlled substances registration number issued by the department and meets all requirements of the Act. This subsection also applies to a prescription issued in an emergency situation. (2) A practitioner who issues a written prescription for any quantity of a Schedule II controlled substance must complete an official prescription form by legibly completing the spaces provided.

8. A. Can the medication name, strength, quantity and instructions be stamped on the triplicate or does it have to be hand written? See response for B below.

B. Are ink stamped instructions on a triplicate form acceptable at a pharmacy?

Texas Health and Safety Code 481.075 Official Prescription Program provide the following information for the completion of the official prescription form:

Each official prescription form or electronic prescription used to prescribe a Schedule II controlled substance must contain:

- (1) information provided by the prescribing practitioner, including:
 - (A) the date the prescription is issued;
 - (B) the controlled substance prescribed;
 - (C) the quantity of controlled substance prescribed, shown:
 - (i) numerically, followed by the number written as a word, if the prescription is written; or
 - (ii) numerically, if the prescription is electronic;
 - (D) the intended use of the controlled substance or the diagnosis for which it is prescribed and the instructions for use of the substance;
 - (E) the practitioner's name, address, and Federal Drug Enforcement Administration number issued for prescribing a controlled substance in this state;
 - (F) the name, address, and date of birth or age of the person for whom the controlled substance is prescribed; and
 - (G) if the prescription is issued to be filled at a later date under Section 481.074(d-1), the earliest date on which a pharmacy may fill the prescription;
- (2) information provided by the dispensing pharmacist, including the date the prescription is filled; and
- (3) for a written prescription, the signatures of the prescribing practitioner and the dispensing pharmacist or for an electronic prescription, the prescribing practitioner's electronic signature or other secure method of validation authorized by federal law.
 - (f) Not more than one prescription may be recorded on an official prescription form, except as provided by rule adopted under Section 481.0761.

9. **Can I send a Controlled Substances modification form and a request form for prescriptions at the same time?**

Both forms and payment maybe submitted at the same time. In order to prevent a delay in the processing of the official prescription forms pending the registration modification, the modification form can be faxed to 512-424-5799.

10. **On the DPS website, where can I locate what the requirements are for the copies of triplicates (official prescription forms)**

<http://www.txdps.state.tx.us/RSD/PrescriptionProgram/texaslawsandrules.htm>

11. Is there a process that necessitates routine reporting of these initial prescriptions?

Texas Health and Safety Code 481.067 RECORDS. (a) A person who is registered to manufacture, distribute, analyze, or dispense a controlled substance shall keep records and maintain inventories in compliance with recordkeeping and inventory requirements of federal law and with additional rules the director adopts.

12. Can Physicians write a schedule II prescription for a hospital inpatient that is being discharged?

Texas Administrative Code 13.73 Exceptions to Use of Form. (a) An official prescription form is not required for a medication order written for a patient who is admitted to a hospital at the time the medication order is written and filled. (1) A practitioner may dispense or cause to be dispensed a Schedule II controlled substance to a patient who: (A) is admitted to the hospital; and (B) will require an emergency quantity of a controlled substance upon release from the hospital.

13. Will Physicians be able to prescribe drugs containing hydrocodone to post-operative patients without triplicate forms?

Texas Health and Safety Code 481.075 OFFICIAL PRESCRIPTION PROGRAM. (a) A practitioner who prescribes a controlled substance listed in Schedule II shall, except as provided by rule adopted under Section 481.0761, record the prescription on an official prescription form or in an electronic prescription that includes the information required by this section. (d) A person may not obtain an official prescription form unless the person is a practitioner as defined by Section 481.002(39) (A) or an institutional practitioner.

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14. Can Residents in a Medical Resident Program write Prescriptions for Schedule II controlled substances, or must their faculty do it?

The Physician in Training must contact their Permit Office, Staff Coordinator or department in charge of approving its Physicians in Training prescribing authority. The Medical Training Institution will provide to The Texas Prescription Program a letter or list on company letterhead or an electronic document from the authorized department official of the Medical Training institution the names of authorized Physicians in Training. With each authorized name, the institution shall also provide, Board License # (PIT) and the unique suffix # (4 digits) assigned to each Physician in Training. Each authorizing institution must indicate its DPS Registration number and Board License #. This list of authorized Physicians in Training must be maintained with current information with the Texas Prescription Program. As a validation, the Texas Medical Board provides to the Department a monthly electronic file exchange with all current Physicians in Training Permit holders. The Texas Prescription Program Administrator will verify all Prescription Pad orders with the information provided by the Texas Medical Board.

See Texas Administrative Code, Title 37, Rule 13.71

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=37&pt=1&ch=13&rl=71](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=37&pt=1&ch=13&rl=71)

- 15. It would be helpful if prescription pad orders could be placed using a credit card online. Would it be possible to add this to the CSR online payment option?**

It is a possibility in the future, however at this time the option is not available.

- 16. Up to 4 weeks processing time for the Official Prescription forms is a long time, why?**

This has been the standard time frame. The Department works towards shorter turnaround times and often delivers in three weeks. But because we work with a publishing vendor, four weeks is allotted. We recommend ordering stock and planning accordingly.

- 17. What is the reporting/reissuance process if there are errors on the prescription pads? We may want to clarify.**

Please contact the Division's Contact Center should you have any concerns with Prescription Pad orders. The appropriate department will be contacted to address any order concerns. In the meantime, any corrections or changes to registration information must be made with the Licensing and Registration Department. It is recommended that this information be current to minimize errors in prescription pads.

Regulatory Services Division - Contact Center 512-424-7293

***Please note:**

The Texas PAT system is not designed as a tool for the ordering of the Official Prescription Forms. Prescription form ordering instructions can be found at:

<http://www.txdps.state.tx.us/RSD/PrescriptionProgram/forms.htm>

Helpful Links:

Federal Register

<https://www.federalregister.gov/articles/2014/08/22/2014-19922/rescheduling-of-hydrocodone-combination-products-from-schedule-iii-to-schedule-ii-schedules-of>

Texas Health and Safety Code, Chapter 481 Texas Controlled Substances Act

<http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.481.htm>

Texas Administrative Code, Title 37, Part I, Chapter 13 Controlled Substances

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=37&pt=1&ch=13](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=37&pt=1&ch=13)