



Oregon

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Summary of Current Regulations:

Electronic & Fax Transmission of Controlled Substance Prescriptions¹

- The Drug Enforcement Administration (DEA) has interpreted that the Controlled Substances Act does not allow electronic prescribing of controlled substances. Therefore, a prescription for a controlled substance transmitted electronically to a pharmacy is not considered a valid prescription.
- Under the U.S. Code of Federal Regulations, a controlled substance prescription must be signed by the prescriber.
- A prescriber's agent may prepare the controlled substance prescription, but may not sign the prescription on behalf of the prescriber.
- Ink stamps and electronic signatures are not permitted. Signed means manually written with ink or indelible pencil on paper. Electronic signature devices which produce a digital image of the signature do not qualify as manually signed.
- A controlled substance prescription that is faxed to the pharmacy by the prescriber or prescriber's agent must be signed by the prescriber. (*A schedule II controlled substance prescription may only be faxed by the prescriber or prescriber's agent to the pharmacy to be filled if the prescription is for a patient undergoing home infusion pain therapy; for a patient in a long term care facility or for a patient enrolled in hospice care.*)
- If a pharmacy receives an electronic prescription for a schedule III – V controlled substance, the pharmacist may telephone the prescriber to verify and establish it as an oral prescription. The verification may be provided by the prescriber or the prescriber's agent.
- A written faxed "refill authorization" for a schedule III – V controlled substance prescription is considered a new prescription and must be signed by the prescriber. It may not be signed by the prescriber's agent. However, it may be telephoned to the pharmacy by the prescriber or the prescriber's agent as a new oral prescription.

The DEA is currently drafting proposed rules to change the existing requirements. For questions or further information, please contact the DEA's Liaison and Policy Section at (202) 307-7297, or see the website at www.deadiversion.usdoj.gov.

1. U.S. Code of Federal Regulations (21 CFR 1306)