



The Commission is aware of questions regarding **the transfer between pharmacies of on hold and unfilled prescriptions**. [WAC 246-869-090, titled Prescription transfers](#), discusses prescription transfer of noncontrolled substance drugs for refills. It also references [21 CFR 1306.25](#) for the transfer of controlled substances in III-V for purposes of a refill. Neither WAC nor CFR discuss an original unfilled prescription on hold.

At the May 12, 2017 meeting, the Pharmacy Commission stated that if pharmacies transfer an unfilled or on-hold prescription an audit trail must be maintained. The prescription must be given a prescription number and can only be transferred once unless the pharmacies share a common record system. Again, all transfers must have an audit trail.

A pharmacist must always use their professional judgement and due diligence to determine if a prescription is for a legitimate patient and medical purpose. An email from Loren Miller, Associate Section Chief, Liaison and Policy Section, Diversion Control Division, Drug Enforcement Administration to Carmen Catizone, Executive Director, National Association of Boards of Pharmacy outlines the DEA's policy on this issue. A copy of this email is included below.

Steven Saxe, RPH, FACHE  
Executive Director, Pharmacy Quality Assurance Commission  
WA State Department of Health

ATTACHMENT

**From:** Miller, Loren T.  
**Sent:** Friday, July 7, 2017 7:42 AM  
**To:** Catizone, Carmen  
**Cc:** Arnold, James A.; Ashley, Demetra  
**Subject:** Electronic Prescribing

The Controlled Substances Act and its implementing regulations outline what can take place regarding prescriptions for controlled substances. In Title 21, Code of Federal Regulations, Section 1306.25 the DEA made a specific exception so that a DEA registered pharmacy can, once it has filled an original prescription for a controlled substance in Schedules III-V, transfer the original prescription information to another DEA registered pharmacy for the purpose of allowing that second pharmacy to then dispense any remaining valid refills still permitted by law and the prescriber's authorization. With one exception, such an allowance currently does not exist for the forwarding of an unfilled prescription from one DEA registered retail pharmacy so that it may be filled at another DEA registered retail pharmacy.

Prescriptions can take the form of paper (including fax), call-in, or electronic prescription for controlled substances (EPCS). The DEA has addressed the forwarding of an EPCS prescription. The DEA published information in the preamble of the notice of proposed rulemaking (NPRM) on EPCS, 73 FR 36722, and the preamble of the interim final rule (IFR) on EPCS, 75 FR 16235. Note, because this was in the preamble and not in the EPCS regulations, it represents the DEA's policy. As posted in the preambles of the NPRM and the IFR, an unfilled original EPCS

prescription can be forwarded from one DEA registered retail pharmacy to another DEA registered retail pharmacy, and this includes Schedule II controlled substances.

At the start of 2017, the DEA received inquiries from some pharmacists regarding this issue. The DEA was advised that these pharmacists had received notice from their management that they could not forward original unfilled prescriptions for controlled substances as there was no exception in Federal regulation that expressly allowed this activity. The pharmacists were provided with the above information. Although the DEA received several inquiries regarding this issue earlier in the year, these have now ceased.

I hope this helps you and the members of your association.

Loren T. Miller  
Associate Section Chief  
Liaison and Policy Section  
Diversion Control Division  
Drug Enforcement Administration