

# Ask An Attorney

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Though we are now almost a year into mandatory e-prescribing, I still have some questions, especially when things don't happen in the standard manner. For example, what if some information in my e-prescription needs to be changed after I've sent it to my patient's pharmacy? What if some information is missing from my e-prescription?

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If your e-prescription was missing some information, but was capable of being sent by your office and received by the pharmacy (the systems on each side did not issue some kind of error message as a result of missing information), the pharmacist may annotate your e-prescription apparently without restriction if the drug was not a controlled substance. However, if the drug was a controlled substance, the pharmacist may only annotate the e-prescription for certain missing information. The same applies if the e-prescription was complete when sent but some of the information now needs to be changed.

The pharmacist may add or change the patient's address, sex or age without getting an authorization from you.

For any controlled substance e-prescription, the pharmacist needs your authorization to add or change your DEA number, the institutional DEA number suffix (if applicable), directions, condition code, drug strength and maximum daily dosage. A prescription that is missing maximum daily dosage may be filled without your having supplied an authorization for that item; this is one that the pharmacist may complete on his or her own, using professional judgment.

The pharmacist needs your authorization to change the quantity or dosage form on a controlled substance e-prescription, but may not add those if missing. The pharmacist may never add or change the patient's name, your e-signature, the date on which the e-prescription was written or the drug name.

The pharmacy must electronically store any annotation made to the e-prescription, whether or not your authorization was required. However, if your authorization was required for an annotation, you must make a note in the patient's file of the addition or change and the specifics of how and why the annotation was made.

The pharmacist may contact you by telephone to clarify a condition code. If for any reason, the prescription was issued on an Official New York State Prescription form, the pharmacist is required to write on it the date on s/he received your oral authorization and sign it manually.

Remember that pharmacists are no longer required to verify that prescriptions have been properly issued other than electronically. The burden is on you as the prescriber to assure that a valid exception to e-prescribing exists before submitting a prescription by any other means.

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