



## MEMORANDUM

To: Licensees & Interested Parties  
From: Malcolm J Broussard, Executive Director  
Date: March 26, 2020  
Re: Verbal Prescriptions for Controlled Substances Listed in Schedule II

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The federal rules for controlled substances permits the verbal transmission of a prescription for a controlled substance listed in Schedule II during an emergency:

- (d) In the case of an emergency situation, as defined by the Secretary in §290.10 of this title, a pharmacist may dispense a controlled substance listed in Schedule II upon receiving oral authorization of a prescribing individual practitioner, provided that:
- (1) The quantity prescribed and dispensed is limited to the amount adequate to treat the patient during the emergency period (dispensing beyond the emergency period must be pursuant to a paper or electronic prescription signed by the prescribing individual practitioner);
  - (2) The prescription shall be immediately reduced to writing by the pharmacist and shall contain all information required in §1306.05, except for the signature of the prescribing individual practitioner;
  - (3) If the prescribing individual practitioner is not known to the pharmacist, he must make a reasonable effort to determine that the oral authorization came from a registered individual practitioner, which may include a callback to the prescribing individual practitioner using his phone number as listed in the telephone directory and/or other good faith efforts to insure his identity; and
  - (4) Within 7 days after authorizing an emergency oral prescription, the prescribing individual practitioner shall cause a written prescription for the emergency quantity prescribed to be delivered to the dispensing pharmacist. In addition to conforming to the requirements of §1306.05, the prescription shall have written on its face "Authorization for Emergency Dispensing," and the date of the oral order. The paper prescription may be delivered to the pharmacist in person or by mail, but if delivered by mail, it must be postmarked within the 7-day period. Upon receipt, the dispensing pharmacist must attach this paper prescription to the oral emergency prescription that had earlier been reduced to writing. For electronic prescriptions, the pharmacist must annotate the record of the electronic prescription with the original authorization and date of the oral order. The pharmacist must notify the nearest office of the Administration if the prescribing individual practitioner fails to deliver a written

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**NOTICE:** In compliance with Act 256 of the 2019 Louisiana Legislature, the Board gives public notice that any information submitted to the Board may become public record unless specifically exempted by the Public Records Law, R.S. 44:1 *et seq.*

**NOTICE:** In compliance with Act 655 of the 2018 Louisiana Legislature, the Board gives notice to its licensees and applicants of their opportunity to file a complaint about the Board's actions or procedures. You may submit such complaints to one or more of the following: (1) Louisiana Board of Pharmacy; 3388 Brentwood Dr., Baton Rouge, La 70809; 225.925.6496; [info@pharmacy.la.gov](mailto:info@pharmacy.la.gov) (2) Committee on House & Governmental Affairs; La. House of Representatives; PO Box 44486; Baton Rouge, LA 70804; 225.342.2403; [h&ga@legis.la.gov](mailto:h&ga@legis.la.gov) (3) Committee on Senate & Governmental Affairs; La. Senate; PO Box 94183; Baton Rouge, LA 70804; 225.342.9845; [s&g@legis.la.gov](mailto:s&g@legis.la.gov)

prescription to him; failure of the pharmacist to do so shall void the authority conferred by this paragraph to dispense without a written prescription of a prescribing individual practitioner.

[21 CFR 1306.11(d)]

As indicated in the rule, the term “emergency situation” is defined in a different section of their rules:

For the purposes of authorizing an oral prescription of a controlled substance listed in schedule II of the Federal Controlled Substances Act, the term *emergency situation* means those situations in which the prescribing practitioner determines:

- (a) That immediate administration of the controlled substance is necessary, for proper treatment of the intended ultimate user; and
- (b) That no appropriate alternative treatment is available, including administration of a drug which is not a controlled substance under schedule II of the Act, and
- (c) That it is not reasonably possible for the prescribing practitioner to provide a written prescription to be presented to the person dispensing the substance, prior to the dispensing.

[21 CFR 290.10]

In summary, the prescriber determines whether an emergency situation exists, and if the prescriber has made that determination, the prescriber may transmit a verbal prescription for a controlled substance listed in Schedule II to a pharmacist, subject to the requirements listed in Items 1-4 above.

Some pharmacists have indicated they are concerned for potential fraudulent attempts. Please remember your authority to exercise professional discretion – you should refuse to accept the verbal prescription if you have any doubts of its authenticity.

Finally, we draw your attention to the consequences in Item 4 above for your pharmacy in the event you fail to notify the DEA office in New Orleans (504.840.1100) to report the failure of the prescriber to provide a written prescription to cover your emergency dispensing.

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