

# TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

[www.txdps.state.tx.us](http://www.txdps.state.tx.us)



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## RECEIVED

JUL 18 2008

TEXAS PODIATRIC July 7, 2008  
MEDICAL EXAMINERS

This letter will serve as notification of changes to and reminders concerning the Texas Health and Safety Code affecting Texas registrants.

### All Registrants

#### Fees

The Texas Department of Public Safety (DPS) may charge a nonrefundable fee of \$25 before processing an application for annual registration and may charge a late fee of \$50 for each application for renewal that the department receives after the date the registration expires. The received date will be determined by the date the renewal was received by DPS. If the renewal is late, the registration will not be renewed until the late fee is received; this applies to all applicants, even if the applicant is exempt from other registration fees.

#### Prescriptions

- Effective September 1, 2008, all prescriptions for Schedule II-V controlled substances must contain the below information to be considered valid and, subsequently, filled:
  - quantity of the substance prescribed (written as both a number and as a word)
  - date of issue (can not be postdated)
  - name, address, and date of birth or age of the patient (if the patient is an animal, the species and the name and address of the owner)
  - name and strength of the controlled substance prescribed
  - directions for use of the controlled substance
  - intended use of the substance prescribed unless the practitioner determines the furnishing of this information is not in the best interest of the patient
  - printed or stamped name, address, Federal Drug Enforcement Administration (DEA) registration number, and telephone number of the practitioner's usual place of business
  - the signature of the prescribing practitioner, unless the prescription is called in to the pharmacy
  - **the practitioner's current and valid DPS registration number for practitioners licensed in Texas. The DPS registration number must belong to the practitioner issuing the prescription; the prescribing practitioner may be a properly registered physician's assistant or an advanced practice nurse on Schedules III-V prescriptions.**
- Effective March 12, 2008, Schedule II controlled substance prescriptions must be filled within 21 days after the prescription was issued. **The Official Prescription form is void if presented for filling later than 21 days after the date of issuance.** A new prescription is required. Note - there are existing Official Prescription forms that have been preprinted with a shorter time frame for filling (3 or 7 days). These are allowed to be filled within 21 days.

#### Penalties

A violation of the Texas Health and Safety Code Section 481.128 is a state jail felony and subject to civil penalties. If the registrant knowingly commits an offense, a civil penalty of not more than \$5,000 per act can be assessed. If the registrant commits an offense without the requisite culpable mental state, a civil penalty of not more than \$1,000 per act can be assessed. A district attorney of the county where the act occurred may file suit in district court in that county to collect the civil penalty.

## Practitioners

### **Official Prescription forms**

All Schedule II controlled substance prescriptions must be issued on an Official Prescription form. The DPS is the sole source for the Official Prescription form. Effective September 1, 2008, the cost per pad (100 prescription forms) will increase to \$9.00. Official Prescription forms, written in error, must be returned to the Texas Prescription Program. Official Prescription forms that are lost or stolen must be reported to the Texas Prescription Program.

### **Emergency Medical Services (EMS)**

A new application has been developed for Emergency Medical Services (EMS). The medical director and provider's representative are both required to sign the application. All satellite and remote locations must be listed. The provider must have a current EMS license with DSHS and the medical director must have a valid Texas medical license before an application can be approved.

### **Mid Level Practitioners (MLP)**

All supervisory physicians, delegating prescriptive authority, must certify the authorizing delegation when a MLP applies and at each renewal period. A MLP must notify the Controlled Substance Registration Section within 7 days when a change in address or supervisory physician occurs. The practitioner must have a valid Texas medical license and a DPS registration number.

### **Physicians in Training (PIT)**

Persons participating in the Texas State Board of Medical Examiners Physician In Training program must have a DPS PIT number for all controlled substance prescriptions they issue. The DPS PIT number is issued by the Texas Prescription Program. The DPS PIT number must be requested by the training coordinator of the teaching institution on behalf of the physician in training. The training coordinator of the teaching institution will provide the DPS PIT number to the physician in training. The DPS PIT number is only valid for the duration of the training program.

## Pharmacies/Pharmacists

### **Registration**

The pharmacist in charge must sign the registration renewal form if the business activity is a pharmacy; this includes a long term care facility. The administrator of a hospital must sign the registration renewal form if the business activity is a hospital.

### **Electronic Transmissions**

- Effective September 1, 2008, all prescription information for Schedule II-V controlled substances must be transmitted to the DPS through our vendor, Atlantic Associates Inc., no later than the 15<sup>th</sup> day after the last day of the month in which the prescription is completely filled. The transmission must include the below information:
  - **prescribing practitioner's valid DPS registration number** (if the practitioner is not registered in Texas, then the DPS registration number should be entered as 90140100).
  - **official prescription control number** (Schedule II prescriptions only)
  - **patient's (or the animal owner's) name, age or date of birth, and address** (including city, state, and zip code)
  - **date the prescription was issued and filled**
  - **NDC number of the controlled substance dispensed**
  - **Quantity of the controlled substance dispensed**
  - **pharmacy prescription number**
  - **dispensing pharmacy's DPS registration number**
- **A pharmacy, that has an approved written plan with the Texas Prescription Program, can fill Schedule II controlled substance prescriptions issued by a practitioner not registered in Texas.**
- **If the Schedule III-V controlled substance prescription is issued by a physician's assistant or an advanced practice nurse, their DPS registration number must be recorded on the prescription and transmitted to the DPS through our vendor Atlantic Associates, Inc.**
- **All Schedule III-V controlled substance prescription refills must be transmitted with complete prescription information within the required time frame. Schedule II controlled substance prescriptions can not be refilled.**
- **Atlantic Associates Inc. sends a postcard to each transmitting pharmacy confirming the receipt of data and count of accepted records. If the number of accepted records is less than the number of records transmitted, then the rejected records must be corrected and retransmitted. Note – only retransmit the corrected records.**
- **A pharmacy may request a waiver from electronic reporting if a pharmacy fills less than 15 controlled substance prescriptions per month or if a pharmacy is not automated and, therefore, unable to transmit electronically.**
- **Official Prescription forms, where the Schedule II controlled substance is not dispensed or the form is not returned to the patient, must be mailed to the Texas Prescription Program.**

## Contact Information

Controlled Substances Registration  
Texas Prescription Program  
Web address  
Email account

512/424-2188  
512/424-2189  
[http://www.txdps.state.tx.us/criminal\\_law\\_enforcement/narcotics/index.htm](http://www.txdps.state.tx.us/criminal_law_enforcement/narcotics/index.htm)  
[tpccsr@txdps.state.tx.us](mailto:tpccsr@txdps.state.tx.us)

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August 8, 2008

Attn: Training Program Coordinator:

In mid-July, all Texas registrants were mailed a letter outlining new statutes within the Texas Health and Safety Code (HSC) and reminders of current statutes that should be followed. The new requirements impact physicians in training (PITS) as well.

In order to help clarify procedures for PITs relating to controlled substance prescriptions, the below definitions and information are provided.

**Permitted Person** – a person permitted with the appropriate licensing board to participate in a bona fide training program at a teaching institution/hospital; i.e. PIT, intern. Permitted persons **do not have a valid license** with their respective licensing board.

**Licensee** – a person licensed with the appropriate licensing board and participating in a bona fide training program at a teaching institution/hospital.

**Prescription** – means an order by a practitioner to a pharmacist for a controlled substance for a particular patient; HSC Sec. 481.002(41).

**Medication Order**-means an order from a practitioner to dispense a drug to a patient in a hospital for immediate administration while the patient is in the hospital or for emergency use on the patient's release from the hospital; see HSC Sec. 481.002(28).

This Office is aware that there are different procedures in place at teaching institutions/hospitals concerning the prescribing of controlled substances. The majority of institutions/hospitals instruct their permitted persons and licensees to prescribe Schedule III-V controlled substances utilizing the institution's DEA registration number with a unique suffix identifying the permitted person or licensee (see Code of Federal Regulations (CFR) 21, Part 1300 to End, 1301.22(c)(5)).

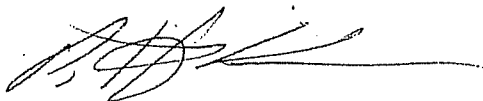
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Effective September 1, 2008, the HSC Sec. 481.074(k) requires a DPS registration number to be included on all controlled substances prescriptions. To comply with the legislative requirements, permitted persons will be allowed to prescribe controlled substances utilizing the institution's DPS and DEA registration numbers followed by the permitted person's unique suffix. If the permitted person changes institutions/hospital for any reason during their participation in the training program, then they should use the registration numbers and unique suffixes for the institution/hospital training program they are participating in when prescriptions are issued. According to the Texas Health and Safety Code, licensees are not authorized to utilize an institution's registration numbers for controlled substance prescriptions. Since licensees have a valid license with their respective licensing board, they are required to obtain their own DPS and DEA registration numbers.

If the institution opts to allow their permitted persons the authority to prescribe a Schedule II controlled substance, then Official Prescription forms must be ordered and obtained from this Office prior to the issuance of the prescription.

To facilitate the processing of prescription information, this Office requests that each training coordinator submit a list of permitted persons assigned to their institution. The list should include information identifying the institution (name, address, DPS registration number), the permitted person (name, date of birth, social security number, unique suffix), and the training coordinator (name, telephone number).

If you have any questions, please contact me at 512/424-2459.



Patrick Knue, Program Administrator  
Texas Prescription Program