

FREQUENTLY ASKED QUESTIONS ABOUT CONTROLLED SUBSTANCE PRESCRIPTIONS

Can a pharmacist ask a patient or prescriber about my medical condition and treatments?

Yes. Pharmacists are trained, allowed, and obligated to ask both patients and prescribers questions about any prescription. This may include any inquiry about previous medications or other attempts to treat the condition for which the prescription is being presented. This is not a violation of the Health Insurance Portability and Accountability Act (HIPAA).

What law authorizes a pharmacist to ask questions regarding my controlled substance prescription?

Title 21 of Code of Federal Regulations, Section 1306.04(a) obligates a pharmacist to make sure that all controlled substance prescriptions are being dispensed “in the usual course of medical treatment.” Therefore, a pharmacist may need to gather further information by communicating with the patient’s prescriber.

What if I or my prescriber do not want to answer questions from the pharmacist?

If a pharmacist cannot obtain adequate information from either the patient or prescriber’s office to answer their questions or address their concerns, then they are obligated to refuse to fill the prescription.

What resources may a pharmacist use to evaluate whether a prescription meets the “usual course of medical treatment?”

- the prescriber’s office to gather more information about the condition and treatment
- the Prescription Drug Monitoring Program or other software that helps analyze dangerous combinations and dosages
- board of pharmacy statutes and regulations, and published medical literature
- the medication package insert
- published information / guidelines from the Drug Enforcement Administration (DEA), Food and Drug Administration (FDA) or Centers for Disease Control (CDC)

What other criteria does a pharmacist evaluate for a controlled substance prescription?

- other aspects of a control substance prescription that a pharmacist may evaluate prior to dispensing may include multiple individuals presenting prescriptions for the same drugs in the same quantities from the same doctor
- individuals presenting prescriptions for controlled substances known to be highly abused
- individuals paying high prices for controlled substances (a DEA “red flag”)
- individuals residing long distances from the pharmacy or passing multiple pharmacies to get a prescription filled. These are known as possible “red flags” by the DEA and require that pharmacists evaluate prior to dispensing the prescription.
- This is not an all-inclusive list and is meant to provide examples of what pharmacists may evaluate. You can find more information about this at: https://www.deadiversion.usdoj.gov/mtgs/pharm_awareness/conf_2013/march_2013/carter.pdf

May a pharmacy request my identification for a controlled substance prescription?

Yes. The DEA provides pharmacists with guidelines to confirm a patient’s identity before filling a legitimate prescription.

Can a pharmacist refuse to fill my prescription?

Yes. If a pharmacist receives a prescription that does not meet the federal regulation above, they are allowed and obligated to refuse the prescription. In addition, if a pharmacist believes that any prescription is written for a medication, strength, direction, or combination that is not safe, then the pharmacist is obligated to refuse to fill the prescription. The Alaska Board of Pharmacy encourages pharmacists to work with the prescribing practitioner to resolve concerns prior to refusing to fill.

What happens after a pharmacist refuses to fill a prescription?

The pharmacist should return the prescription to the customer allowing him/her to bring it to another pharmacy of their choice. If it was an electronic prescription sent directly to the pharmacy, the prescriber will need to send the prescription to another pharmacy of the patient’s choice. The patient is also encouraged to consult with the prescribing practitioner.

Individuals who would like to file a complaint—and can **cite clearly** the reason for the complaint by referencing applicable statutes and regulations of the corresponding prescribing and/or dispensing board—can fill out a Request for Contact form. The form can be found at the following link: <https://www.commerce.alaska.gov/web/cbpl/Investigations.aspx>.