FAQ: Schedule II Prescribing in Texas for Hospice or LTCF Patients

1. ***In order to prescribe a Schedule II medication in Texas, is a special form needed?***
   Yes. The State of Texas participates in a prescription monitoring program requiring the use of "Official Prescriptions" for all Schedule II prescriptions and electronic monitoring for all Schedule III-V prescriptions. Licensed prescribers must purchase Official Prescriptions from the Texas Department of Public Safety's Texas Prescription Program.

2. ***May "Official Prescriptions" for Schedule II medications be faxed to a pharmacy?***
   It Depends.
   a. *Terminally Ill / Hospice / Long-term Care Facility (LTCF) patients – Yes***.** Both Federal and State law allows this, as long as the Official Prescription has information per instruction 3a below.
   b. *Other patients – No.* For all other patients, faxing Schedule II prescriptions is prohibited.

3. ***How does one fax "Official Prescriptions" for hospice or LTCF patients?***
   a. The prescribing practitioner should note on the prescription the phrase "*LTCF patient*," "*terminally ill*," or "*hospice patient*," as appropriate for that patient.
   b. Either the prescribing practitioner or the prescribing practitioner's agent may then send the prescription by facsimile to the pharmacy.
   c. "After transmitting the prescription, the prescribing practitioner or the practitioner's agent writes across the face of the official prescription "*VOID—sent by fax to (name and telephone number of receiving pharmacy)*" and files the official prescription in the patient's medical records." [Texas Health & Safety Code Section 481.074(o), as amended in 2005]

4. ***What are some practical considerations when faxing Schedule II prescriptions?***
   a. The received facsimile must be legible, including the Official Prescription Control Number.
   b. By following Item 3, there is no longer the need to forward the actual prescription

5. ***What is an Emergency Schedule II prescription?***
   a. The Federal Controlled Substances Act states that "in the case of an emergency situation" a pharmacist may dispense a Schedule II medication upon receipt of an oral authorization from the "prescribing individual practitioner" provided that the quantity prescribed is limited to the amount to treat the patient during the emergency period.
   b. An "emergency situation" is defined by statute as that situation where "immediate administration of the controlled substance is necessary for proper treatment of the ultimate user" and that it is "not reasonably possible for the prescribing practitioner to provide a written prescription."

6. ***Is a faxed hospice or LTCF Schedule II prescription an "Emergency C-2 Prescription"?***
   No. Faxed prescriptions for these patients are not emergency prescriptions as defined by the Controlled Substances Act.

7. ***What are the rules regarding using "agents" when prescribing Schedule II medications?***
   a. Both Federal and State rules indicate that the prescribing practitioner may utilize agents to transmit faxed Schedule II prescriptions.
   b. Otherwise, there are no provisions for utilization of a prescribing practitioner's agent, including in "emergency situations."

8. ***What other considerations apply to Schedule II prescriptions?***
   a. Schedule II prescriptions may not be written with refills authorized.
   b. Schedule II prescriptions may not be post-dated or written to fill on or after a certain date.
   c. In Texas, as of March 12, 2008, a Schedule II prescription must be filled within twenty-one (21) days.
   d. For terminally ill, hospice or LTCF patients (as described above in 3a), the pharmacist may "partial-fill" a prescription in partial quantities, including individual units, filling the remainder of the prescription for up to sixty days. [Texas Health & Safety Code Section 481.074(f)]

This information is provided by the Texas Academy of Palliative Medicine for information purposes only.
For application to a specific situation, please review the actual pertinent Federal and Texas statutes.
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