



**South Dakota
Board of Pharmacy**

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DATE: June 13, 2023

WHAT: Board Policy Statement # 17-06-12

WHY: TWO PART POLICY STATEMENT ON TRANSFERRING E-PRESCRIBED OR WRITTEN PRESCRIPTIONS

PART I – Transfer of all Legend Prescriptions including CII – CV Prescriptions Prior to First Fill

Part 1 - “Is a prescription, including a CII prescription, which has never been filled, allowed to be transferred?”

GUIDELINES

The Board wishes to provide clarity on this issue. DEA has been consulted. We asked the DEA the above question. In an email from Sarah Boblenz, Group Supervisor of the Des Moines DEA Field office, her response to the question was: “The practice is currently under review by DEA headquarters for a potential CFR change and that if the state allows it, DEA accepts the practice as long as it follows 21 CFR 1306.15, 1306.25 and 1306.27.”

The Board feels strongly that prohibiting a transfer of an unfilled prescription is contrary to timely and proper patient care and could contribute to diversion as there is a chance that there would be two active prescriptions that could be filled for the patient. A pharmacy may transfer a prescription that is on hold and not filled as the intention of the rule is to not complicate or refuse filling a prescription.

Please reference ARSD 20:51:23 and 20:51:20:04 for further transfer regulations.

PART II – Transfer of CIII – CV Prescriptions which have been E-Prescribed

Part II – “Is an e-prescribed prescription for a CIII – CV allowed to be transferred?”

GUIDELINES

We asked the DEA the above question. Sarah Boblenz, DEA, responded, yes, as long as the transfer is allowed in the state, and it meets the requirements of 21 CFR 1306.25(a)(4) and (5). The Board agrees and this is allowed by South Dakota and is authorized in ARSD 20:51:23:04. Please reference ARSD 20:51:23 and 20:51:20:04 for further transfer regulations.

**BOARD APPROVAL/ADOPTION: June 12, 2017
Revised/Approved Sept 12, 2024**