



**South Dakota
Board of Pharmacy**

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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 state's regulation is listed in ARSD 20:51:23:01 and states: **For the purpose of dispensing refills of prescriptions**, a pharmacy may transfer prescription information to another pharmacy, subject to the following requirements:

1. The transfer is limited to the number of refills authorized on the original prescription,
2. The transfer is communicated directly between two licensed pharmacists, and
3. Both the original and the transferred prescriptions are kept for two years from the date of the last refill.

Since the prescription has never been filled, and per ARSD 20:51:23:01, the purpose of the transfer would not be for "refills" but would be for an original fill; therefore, review of our rule may conclude that it should not be standard of practice. In fact, many chain drug stores have recently enacted policies and procedures that prohibit this practice to or from their store.

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.

While our rules state "for the purpose of dispensing refills", this is not to be taken literally and a transfer may be for the purpose of an original fill as well. Until administrative rules can be changed, the Board clarifies that the practice of transfer of a prescription prior to fill is acceptable in South Dakota.

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