



May 12, 2020

State Board of Medicine Suspends Regulation Requiring Physicians to Provide Paper Prescription Within 72 Hours of Issuing Emergency Prescription by Telephone During COVID-19 Pandemic

Summary:

The Department of State (DOS) has received approval to temporarily suspend a State Board of Medicine regulation related to **emergency oral** (verbally conveyed) **prescriptions**. The temporary suspension was requested following guidance provided last month by the Federal Drug Enforcement Agency (DEA) and a related waiver subsequently issued by the Pennsylvania Department of Health (DOH).

DEA rules require that when prescribers issue an emergency prescription by telephone, they must provide a follow-up paper prescription to the pharmacy within seven days. Recognizing that it may not be feasible for prescribers to provide a paper prescription within seven days during the COVID-19 pandemic, the DEA lengthened the timeframe to 15 days. In addition, because there may be instances when providing a pharmacy with a follow-up paper prescription is not only challenging but, perhaps, nearly impossible, the DEA guidance allows practitioners to send follow-up prescriptions via facsimile, or to photograph or scan them and send the photograph/scan to the pharmacy in place of the paper prescription.

DOH regulations require a prescribing practitioner to deliver a written prescription to the dispensing pharmacist within 72 hours of authorizing an emergency oral prescription for a Schedule II controlled substance. On April 30, 2020, DOH issued a [waiver](#) ("Temporary Regulatory Suspension of Requirements for Emergency Oral Prescriptions") of the 72-hour requirement and increased the timeframe to 15 days to match the DEA guidance.

The State Board of Medicine also has a similar 72-hour requirement in its regulations. In an abundance of caution and to eliminate any potential confusion that may arise, DOS requested, and Governor Wolf approved, a temporary suspension of the board's 72-hour requirement. Prescribers are expected to deliver paper prescriptions for emergency oral prescriptions as soon as is practical, but at the very latest must do so within 15 days to remain in compliance.

This waiver shall extend for the duration of the COVID-19 emergency and, to preserve continuity, will continue for so long as the DOH waiver remains in effect.

For more information, please contact the [State Board of Medicine](#).