

FREQUENTLY ASKED QUESTIONS FOR VETERINARIANS

for the



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NEW YORK STATE DEPARTMENT OF HEALTH
Bureau of Narcotic Enforcement

1-866-811-7957
www.health.ny.gov/professionals/narcotic

General Questions on I-STOP Provisions

Q: Do veterinarians have to consult the Prescription Monitoring Program (PMP) registry before prescribing or dispensing a controlled substance?

A: Veterinarians are specifically exempted from the requirement that the PMP registry be consulted before prescribing or dispensing a controlled substance for a patient. This requirement applies to most other prescribers, but not to veterinarians.

Q: Are veterinarians now required to prescribe controlled substances electronically or can we still prescribe using a paper prescription form?

A: Veterinarians are specifically exempted from the requirement that controlled substance prescriptions be transmitted electronically to a pharmacy. When it becomes effective in 2015, this requirement will apply to most other prescribers, but not to veterinarians. Veterinarians may still write prescriptions for controlled substances on an official NYS prescription form.

Q: Are veterinarians required to report controlled substance use on a daily basis?

A: Starting with any controlled substances that are dispensed on or after August 27, 2013, veterinarians are required to report that dispensing activity to the NYSDOH, Bureau of Narcotic Enforcement (BNE) within 24 hours. The reporting is done through the Health Commerce System (HCS) account previously used by the veterinarian to report controlled substance dispensing on a monthly basis. Any controlled substance administered by a veterinarian and any prescription for a controlled substance written by a veterinarian (and filled at a pharmacy) are not required to be reported by a veterinarian. Controlled substances administered in a veterinary hospital must still be recorded on the controlled substance log kept at the hospital as required by Bureau of Narcotic Enforcement (BNE) and the United States Drug Enforcement Administration (DEA).

Q: If a veterinarian has a DEA registration in order to order controlled substances and administer them to patients in the hospital, but does not dispense them and consequently has never applied for an HCS (or HPN) account, does she or he now have to file zero reports and obtain an HCS account in order to file those reports?

A: "Dispensing practitioners" are required to file a zero report, which is a report that no controlled substances were dispensed during the relevant period of time. If a practitioner has never dispensed controlled substances, does not currently dispense controlled substances, and will not dispense controlled substances in the future, then she or he is not considered a dispensing practitioner and the zero reporting requirements do not apply to her or him. If a practitioner is or becomes a dispensing practitioner then that practitioner must comply with all reporting requirements, including filing zero reports.

Zero reports are required to be filed within 14 days of either the most recent previously reported dispensing of a controlled substance, the submission of a prior zero report, or the termination of a waiver of the requirement to file a zero report. If a practitioner will no longer be a dispensing practitioner, she or he may apply to the Commissioner of Health via BNE for a waiver from the

zero reporting requirements which, if granted, may not exceed two years. Subsequent waivers may be requested.

Q: If a veterinarian has an HCS account and was reporting controlled substance dispensing on a monthly basis, but will no longer dispense controlled substances after August 26, is the veterinarian relieved from the obligation to file any dispensing reports?

A: If a veterinarian has transmitted a dispensing report to BNE on or after August 27, 2013, they must keep reporting, even if they are no longer dispensing until or unless they obtain a waiver. If they have truly stopped dispensing, those reports will be zero reports. The regulations address this situation by providing for a practitioner who is filing zero reports to file for a waiver from the requirement that they continue to file zero reports. "A waiver of the requirement to file a zero report may be issued by the commissioner based upon a showing that a pharmacy or practitioner does not dispense controlled substances within the state of New York." The veterinarian should continue to file zero reports at least every 14 days until a waiver is received. The maximum period of time for which the waiver will remain in effect is 2 years.

Q: If a veterinarian does not dispense controlled substances, but occasionally takes a euthanasia drug (a controlled substance) on a house call in order to perform a "home euthanasia," is the veterinarian required to report this activity as dispensing a controlled substance?

A: As long as the controlled substance remains in the possession of the veterinarian and is administered by the veterinarian, it will be considered administration of the controlled substance (not required to be reported) and not dispensing the drug. DEA-registered veterinarians are permitted to transport controlled substances to an unregistered location, such as a client's home or another location where animals need attention, to administer controlled substances on an "as-needed and random basis," provided the veterinarian does not maintain a principal place of professional business at any of these other locations.

Specific Reporting Issues

Q: Does every veterinarian in a veterinary practice have to establish a separate HCS account and separately report their own controlled substance dispensing activities to BNE?

A: No. One veterinarian who holds a DEA license can open an HCS account and report all the dispensing activities in the practice. However, the DEA number of the veterinarian who dispensed the controlled substance must be reported to BNE. A recommended practice is for the HCS account to be opened in the name and DEA registration number of the veterinarian whose DEA registration is used when controlled substances are ordered for the practice. The reports may be filed by a designated staff person who has an HCS account but is not a licensed prescriber.

Q: When filing a report of daily dispensing of controlled substances, can the report be filed any time during the next day, or must it be filed within 24 hours from the exact time when the controlled substance was dispensed?

A: The regulations say specifically that the “real time” report of controlled substance dispensing must be filed “not later than 24 hours after the substance was delivered.” A recommended practice is to establish a certain time of day, either the very end of the business day or the beginning of the next day, when reports of dispensing during the previous 24 hours are reported every day. If there was no dispensing during a 24-hour period, a zero report must be filed. A zero report need not be filed every day, but must be filed at least every 14 days. If dispensing occurs after several days of zero dispensing, the zero report must be filed for the time period during which no dispensing occurred, and the dispensing activity must be reported within 24 hours of the dispensing.

Q: My practice treats animals that are owned by an animal shelter / humane society / rescue organization. How do we report the owner’s name when reporting that controlled substances are dispensed for use on any of these animals?

A: Controlled substances dispensed to animal patients are to be reported with the owner’s name in the “patient name” field. When there are even slight differences in the way a patient’s name is entered into the system, the registry will treat the records as belonging to different individuals. The reporting format for an individual’s name requires a last name and a first name. It is important that you use a consistent reporting format so that all drugs you dispense for animals owned by these organizations will be grouped together under the same owner identification. BNE requests using the type of organization as the patient’s last name, and the specific name of the organization as the patient’s first name. For example, in the case of the Mohawk Hudson Humane Society, ‘Humane Society’ would be the patient’s last name, and ‘Mohawk Hudson’ would be the patient’s first name. Please note that symbols such as ampersands (&), parentheses, and double quotation marks (”) **cannot** be used in the name fields.