



OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL

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Statement from the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Relating to Oklahoma Pharmacies Filling Prescriptions Written by Out-of-State Practitioners

An issue has arisen within the Oklahoma medical community related to Oklahoma pharmacies filling prescriptions for controlled dangerous substances (CDS) issued by practitioners from other states (i.e., the entirety of the medical visit and treatment took place in the sister state with the prescription electronically transmitted to the Oklahoma pharmacy). I wish to state publicly the position of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control on this issue.

The question, and perhaps dispute, appears to relate to whether the electronic transmission of the prescription into Oklahoma constitutes prescribing “into this state” under 63 O.S. Section 2-302(A). The “into this state” language appears to have been added to the statute in 2019 and applied to all registrant activity including manufacturing, distributing, dispensing, administering, and use for scientific purposes.

For decades, it has been the accepted and well-known practice for Oklahoma pharmacies to recognize the legitimacy of prescriptions written by practitioners licensed in other states. There has been no substantive change to the law related to this issue other than the aforementioned additional language added five (5) years ago. In fact, the *Uniform Controlled Dangerous Substance Act* (UCDSA) defines “state” as Oklahoma or any other state of the United States. 63 O.S. Section 2-101(45). Consequently, the UCDSA’s recognition of orders from practitioners from other states is exactly why a person passing through Oklahoma in possession of a CDS pursuant to a lawful prescription written and filled in a sister state is not in unlawful possession of that CDS.

As such, after consultation with both attorneys at my agency and the senior command staff of my diversion division, **it is my belief that neither the UCDSA nor OBND’s administrative rules prohibit an Oklahoma pharmacy from filling a prescription for a CDS written by a practitioner who lawfully practiced and wrote that prescription in that state.** I will not cite all of the reasons for this statutory interpretation, but it is this agency’s position that the act of prescribing is complete upon the practitioner writing/issuing the prescription in that state. The subsequent electronic transmission of the prescription (oftentimes done by a support staff member after the practitioner’s patient contact is complete) to the patient’s pharmacy of choice is not prescribing “into this state.” Prescribing and dispensing are separate acts and registrants are oftentimes permitted to do one and not the other under their registration. It should be noted that pharmacies must still comply with all laws related to the filling of such prescriptions regardless of what state the practitioner is licensed (electronic prescriptions, refill and duration restrictions, etc.).

OBNDDC absolutely respects our colleagues from the regulatory bodies of our practitioners and this agency takes no position on what these agencies permit under their respective statutes and rules. This position statement is a narrow one – our interpretation as to what is permitted or prohibited under the UCDSA and our rules. I further respect and understand the different interpretation of these relevant statutes and rules. In fact,

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Serve the citizens of Oklahoma in the quest for a drug-free state.*

I will be attempting to facilitate an official opinion from the Oklahoma Attorney General and intend on working with our partners at the next legislative session to address this issue. However, this issue affects thousands of patients and professionals today which I believe necessitates a public statement regarding where this agency has landed when examining this issue.

I wish to again emphasize that it is my firm belief that those professionals who have a different interpretation of this issue are absolutely acting in good faith and seeking to protect the public and comply with the law. I know we all will work together in the future with our lawmakers to add clarity to this very important issue.

Respectfully,



Donnie Anderson, Director
Oklahoma State Bureau of Narcotics
And Dangerous Drugs Control

