

FREQUENTLY ASKED QUESTIONS ON HB 7095

These answers do not constitute a legal interpretation of [HB 7095](#). For a legal interpretation on how to conduct your practice, please consult your attorney. You must reference the full text of [HB 7095](#) to understand how it impacts your practice.

- [General](#)
- [Prescribers](#)
- [Pharmacists](#)
- [Vendors](#)

Where can I get a copy of HB 7095?

You can find a copy of [HB 7095](#) and other information on our website at <http://www.doh.state.fl.us/mqa/HB7095.html>. You can also go to the [State Archives and Laws of Florida website](#) and look for chapter 2011-141, Laws of Florida.

What prescriptions must be on a counterfeit-proof pad?

Prescriptions for controlled substances must be written on a counterfeit-proof pad produced by an [approved vendor](#) or electronically prescribed.

What are the requirements for a written prescription?

The requirements for a written prescription are outlined in [section 456.42, F.S.](#)

What is the definition of dispensing?

Per [section 893.02\(7\), F.S.](#), “dispense” means the transfer of possession of one or more doses of a medicinal drug by a pharmacist or other licensed practitioner to the ultimate consumer thereof or to one who represents that it is his or her intention not to consume or use the same but to transfer the same to the ultimate consumer or user for consumption by the ultimate consumer or user.

What is the definition of prescribing?

Per [section 893.02\(21\), F.S.](#), “prescription” means and includes an order for drugs or medicinal supplies written, signed, or transmitted by word of mouth, telephone, telegram, or other means of communication by a duly licensed practitioner licensed by the laws of the state to prescribe such drugs or medicinal supplies, issued in good faith and in the course of professional practice, intended to be filled, compounded, or dispensed by another person licensed by the laws of the state to do so, and meeting the requirements of [s. 893.04](#). ... (Please see the statute for the complete definition.)

What is the definition of administering?

Per [section 893.02\(1\), F.S.](#), “administer” means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a person or animal.

Must veterinarians use counterfeit-proof prescription blanks when writing prescriptions for controlled substances listed in Chapter 893, F.S.?

No. Veterinarians are not regulated by section 456.42, F.S.

Prescribers

Does my prescription have to be handwritten or can it be typed?

A prescription may be typed, but must be signed by the prescribing practitioner on the day it is issued.

Can I call in a prescription for a controlled substance?

Section [893.04\(1\)\(f\) and \(2\)\(c\), F.S.](#) reflect the following regarding oral prescriptions:

- A prescription for a controlled substance listed in Schedule II may be dispensed only upon a written prescription of a practitioner, except that in an emergency situation, as defined by regulation of the Department of Health, such controlled substance may be dispensed upon oral prescription but is limited to a 72-hour supply. A prescription for a controlled substance listed in Schedule II may not be refilled.
- Any controlled substance listed in Schedule III or Schedule IV may be dispensed by a pharmacist upon an oral prescription if, before filling the prescription, the pharmacist reduces it to writing or records the prescription electronically if permitted by federal law. Such prescriptions must contain the date of the oral authorization.

Do I need to have a separate pad to write other prescriptions or can I use the counterfeit-proof prescription pads used for controlled substances?

[HB 7095](#) does not change the requirements for non-controlled substance prescription pads. See lines 243 – 255 of [HB 7095](#). There is no prohibition from using counterfeit-proof prescription pad/blanks for non-controlled substance prescribing.

What should I do if I already have paper and/or prescription pads that meet AHCA Medicaid standards but the vendor is not on MQA's approval list?

Have your vendor contact the Division of Medical Quality Assurance, Bureau of Operations, at (850) 245-4063 or visit our [website](#) for information about becoming an approved vendor for the Department of Health.

Can I still send a prescription from my computer to the pharmacy?

Please reference [section 408.0611, F.S.](#), which defines an electronic prescription and [section 465.035, F.S.](#) for requirements for faxing prescriptions.

Can I print a prescription from my computer to give to the patient?

Lines 248 – 250 of [HB 7095](#) outline the requirements for written prescriptions.

Does the requirement to use a counterfeit-proof prescription pad apply to antibiotics?

[HB 7095](#) requires written prescriptions for controlled substances listed in [section 893.03, F.S.](#), to be written on counterfeit-proof prescription pads. Please review [section 893.03, F.S.](#) to make your determination.

If I ordered counterfeit-proof pads from an approved vendor prior to July 1st, and they have not been received, am I prohibited from writing any prescriptions until one is sent?

Based on discussions with approved vendors, the vendors have indicated that counterfeit-proof prescription pads can be received within 3 to 5 days of the order date. Vendors have also indicated they can expedite orders.

Am I allowed to provide samples to my patients?

Lines 1615 – 1620 of [HB 7095](#) refer to the dispensing of samples. Please also refer to [section 499.028, F.S.](#), regarding drug samples or complimentary drugs.

Am I still allowed to administer medication in my office?

It does not appear that [HB 7095](#) modifies the administration of medication.

Am I required to have my dental license number pre-printed on the counterfeit-proof prescription pads?

No, you are not required to pre-print your license number on the counterfeit-proof prescription pad or blank.

Am I required to have my DEA number pre-printed on the counterfeit-proof prescription pads?

Approved vendors are required to provide a space on the counterfeit-proof prescription pad for the DEA number.

May I purchase counterfeit-proof prescriptions pads pre-printed with prescription information or prescription stamps?

[HB 7095](#) does not appear to address this question. Please consult your attorney and your vendor and use your professional judgment.

Does the physician name, address, etc. need to be preprinted on a counterfeit-proof prescription pad/blank when a physician is writing a controlled substance (listed in [s. 893.03, F.S.](#)) prescription for a hospital patient?

The Department will update its rule to address situations like this one. Until the rule is updated, continue printing the approved counterfeit-proof pad/blank with the information required by the Agency for Health Care Administration (e.g, hospital name/address, space for the physicians DEA number, and the vendor's unique tracking identification number).

Can I use a counterfeit-proof pad/blank produced by an approved vendor?

After August 29, 2011, all counterfeit-proof prescription pads/blanks must meet these specifications at http://doh.state.fl.us/mqa/padvendor_specs.html.

May I print controlled substance prescriptions from my computer?

The paper used to prescribe controlled substances listed in Chapter 893, Florida Statutes, must be produced by a vendor approved by the Department

of Health and must have printed on the front the vendors unique tracking identification number. This number will be used by the Pharmacy to confirm/verify the prescription was written on a pad/blank produced by an approved vendor.

For a list of approved vendors, please visit <http://www.doh.state.fl.us/mqa/counterfeit-proof.html>. If the vendor you currently use to produce the paper for your EMR system is not on our list of approved vendors, please suggest they apply to become an approved vendor. An application can be found online at <http://www.doh.state.fl.us/mqa/counterfeit-proof.html>.