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**Circular Letter: DCP 21-10-111**

**TO:** Massachusetts Pharmacies and Pharmacists

**FROM:** David Johnson, Director, Drug Control Program

**DATE:** October 4, 2021

**SUBJECT:** Out-of-State Schedule II Prescriptions and Supervised Prescribing

On January 1, 2021, [Chapter 260 of the Acts of 2020](#), *An Act Promoting A Resilient Health Care System that Puts Patients First*, was signed into law by Governor Baker.

In order to increase patient access, this legislation makes changes to M.G.L. c. 94C § 18, permitting Massachusetts pharmacies to fill schedule II prescriptions from any non-resident practitioners who are authorized to engage in prescriptive practice in the state where they are located, with certain limitations as outlined below.

There have been no other changes to out-of-state schedule II prescription validity:

- All schedule II prescriptions issued from out-of-state are only valid for 5 days from the date of issuance.
- Schedule II non-narcotic prescriptions may be filled from any state.
- Schedule II narcotic prescriptions may only be filled if issued from states contiguous to Massachusetts (Vermont, New Hampshire, New York, Connecticut, and Rhode Island) and Maine.\*\*

\*\*Mail-order pharmacies located in Massachusetts may continue to fill these prescriptions for residents of states other than Maine and the states contiguous with the commonwealth in accordance with [M.G.L. c. 94C § 18\(d1/2\)](#).

Nurse practitioners who require supervision of their prescriptive practice are responsible for ensuring that their supervisor's name is on each prescription they issue. M.G.L. c. 112, §§ 80E and 80H. However, a practitioner with independent prescriptive practice authority, including some nurse

practitioners, is not required to have a supervisor and, therefore, is not required to include a supervisor's name on the prescription.

As there is no current process for a pharmacist to determine whether a practitioner is supervised or independent, a pharmacist who receives an otherwise valid prescription without a supervisor's name on the prescription, is not required to verify independent prescriptive practice authority and may fill the prescription as written.

**Contact Information:**

Questions or concerns regarding this information should be directed to the Drug Control Program: [dcp.dph@mass.gov](mailto:dcp.dph@mass.gov)