



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Bureau of Health Professions Licensure
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Circular Letter: DCP 18-10-104

TO: Massachusetts Controlled Substance Registrants and
Massachusetts Retail Pharmacies and Licensed Pharmacists

FROM: James Lavery, Director, Bureau of Health Professions Licensure
David Sencabaugh, Executive Director, Board of Registration in Pharmacy

DATE: November 1, 2018

RE: Patient Requests for Partial Fill of Schedule II Prescriptions

On August 9, 2018, Governor Baker signed into law chapter 208 of the acts of 2018, *An Act for Prevention and Access to Appropriate Care and Treatment of Addiction*. The law updates M.G.L. c. 94C, § 18(d^{3/4}) relative to partial fill of prescriptions for Schedule II medications.¹ These updates allow a patient to request the remainder of the partially filled prescription within 30 days of the prescription being issued.

These updates to the law do not add requirements to or change the process for prescribers. Updated guidance on how pharmacists should process requests for partial fill of a prescription is included below.

- If requested by the patient, a pharmacist may dispense a lesser quantity than indicated on any Schedule II prescription.
- The remaining portion of the partially filled Schedule II prescription **may** be filled within 30 days of the prescription issue date, in accordance with state and federal law.
- Only the pharmacy dispensing the original quantity may dispense the remaining portion.
- As a reminder, for Schedule II prescriptions **issued by prescribers who are licensed in another state and do not hold a Massachusetts Controlled Substance Registration**, provided they meet the requirements of M.G.L. c. 94C, § 18(d) or § 18(d^{1/2}), the initial partial dispensing shall be filled within **5 days** of the prescription issue date, and the remaining portion **may** be filled within 30 days of the prescription issue date.

¹ This Circular Letter supersedes [Circular Letter: DCP 16-12-665](#), *Schedule II Opioids: Prescription Form Requirements and Patient Requests for Partial Fill*.

- Upon an initial partial dispensing of a prescription, or a subsequent dispensing of a remaining portion, a notation must be made in the patient's record maintained by the pharmacy. This information must be accessible to the prescriber upon request.
- A patient requesting a partial fill for any Schedule II prescription covered under their insurance plan **may not** be charged an additional payment, including, but not limited to, co-payments, if filling the remaining portion of the prescription.
- Per M.G.L. c. 94C, § 22(c), prescribers must include a partial fill notation on all Schedule II **opioid** prescriptions. Prescribers may include this notation on Schedule II opioid prescriptions in writing or electronically.
 - DPH considers use of the following abbreviated phrase on all prescriptions for a Schedule II opioid to meet the requirements of:

“Partial fill upon patient request”

- A pharmacist receiving a prescription for a Schedule II **opioid** without the required notation must contact the prescriber or prescriber’s authorized agent for confirmation and document the notation on the prescription in writing or electronically.

Questions or concerns regarding this information should be directed to: dcp.dph@mass.gov