



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 16-12-665

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TO: Massachusetts Controlled Substance Registrants

FROM: Eric Sheehan, J.D.
Director, Bureau of Health Care Safety and Quality

James Lavery
Acting Director, Bureau of Health Professions Licensure

DATE: December 16, 2016

RE: Schedule II Opioids: Prescription Form Requirements and Patient Requests for Partial Fill

The purpose of this Circular Letter is to inform pharmacists and prescribers, including Physicians, Dentists, Veterinarians, Podiatrists, Certified Nurse Practitioners (CNP), Certified Nurse Midwives (CNMs), Psychiatric Clinical Nurse Specialists (PCNS), Certified Registered Nurse Anesthetists (CRNA), Physician Assistants (PAs), as well as pharmacists with prescribing privileges, about a recent change in state law relating to patient requests for partial fill of prescriptions for Schedule II opioids, and clarify what the Department of Public Health (DPH) considers compliance with these statutory changes.

Effective March 14, 2016, in accordance with recent changes to the Massachusetts Controlled Substances Act, Chapter 94C of the General Laws:

- (1) patients have a right to request less than the prescribed amount of an opioid substance in Schedule II (M.G.L. c. 94C, § 18(d³/₄)); and
- (2) prescribers must include a notation on the prescription that the patient may request an amount less than the full quantity prescribed (M.G.L. c. 94C, § 22(c)).

Accordingly, pharmacists filling a prescription for a Schedule II opioid may dispense less than the prescribed quantity if requested by the patient. If a patient requests a lesser amount, the remaining quantities on the prescription would be void.

DPH offers this guidance for meeting the statutory requirements of this law.

- DPH considers use of the following abbreviated phrase on all prescriptions for a Schedule II opioid to meet the requirement of M.G.L. c. 94C, § 22(c):

“Partial fill upon patient request”

- Per statute, prescribers must include partial fill notation on any Schedule II opioid prescription. Prescribers may include this notation on a Schedule II opioid prescription in writing or electronically.
- 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.

By January 1, 2018, prescribers must ensure that their electronic medical records software or prescription forms for Schedule II opioids include the required notation, or prescribers must write the notation on all Schedule II opioid prescriptions they issue. Until such time as their prescription forms and software are appropriately updated to allow for this notation:

- Prescribers may elect to staple or otherwise attach a second sheet of paper with the required notation pre-printed on it, or may write the notation on all Schedule II opioid prescriptions issued.
- Pharmacists 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 required notation on the prescription in writing or electronically, or by attaching a second sheet of paper with the required notation to the prescription.

Questions or concerns regarding this information should be directed to: dcp.dph@state.ma.us