

Wisconsin Department of Safety and Professional Services

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MEDICAL EXAMINING BOARD

PHYSICIAN REQUIREMENTS AND GUIDELINES

INTRODUCTION

The information in this section will be included in the Wisconsin jurisprudence examination for physicians applying for licensure from the Wisconsin Department of Safety and Professional Services. This section provides a summary of key aspects of federal controlled substances laws, guidelines for various prescribing practices, and Wisconsin requirements regarding practice; reviewing it is not a substitute for consulting the appropriate law or agency for answers to specific questions.

The proper use of controlled substances is essential to the health and welfare of the public. The abuse of controlled substances is a serious social and health problem throughout the United States. As a physician, you share the responsibility for preventing drug misuse, abuse and diversion.

- You have an ethical and legal responsibility to prescribe controlled substances appropriately, and to guard against their abuse while assuring their availability to your patients.
- You have a professional and legal responsibility to protect your practice from becoming an easy target for unlawful attempts to divert drugs, thus obviating the possibility of enforcement or disciplinary actions against you and loss of professional esteem.
- You have a social responsibility to help protect society from drug abuse.

WISCONSIN LAW VS. FEDERAL LAW

The scheduling provisions of the Wisconsin Uniform Controlled Substances Act, administered by the Controlled Substances Board (CSB), closely parallel federal law but are more stringent in some instances and take precedence over federal law.

DEA REGISTRATION

Wisconsin DOES NOT have separate state-issued controlled substances numbers. Licensed physicians who wish to prescribe, administer, or dispense controlled substances must register with the Federal DEA. DEA registration requires proper Wisconsin licensure. The registration must be renewed every three years, and the certificate of registration must be kept available for inspection at the registered location. Contact the DEA in Chicago, Illinois, (312) 353-1236 or Toll Free 24 hours at 1-800-882-9539 for an application.

If a physician administers or dispenses controlled substances at more than one office, that physician must register at each location. Also, any change of practice location must be reported to the DEA.

Physicians who are registered to dispense controlled substances may distribute (without being registered to distribute) a quantity of such substance to another practitioner for the purpose of general dispensing by the practitioner to his or her patients provided that: (1) the practitioner to whom the controlled substance is to be distributed is registered to dispense that controlled substance; and (2) the distribution is recorded by the distributing and receiving practitioners in accordance with DEA guidelines. If during a given calendar year, the total number of all dosage units of all controlled substances which will be distributed will exceed 5% of the total number of all dosage units of all controlled substances distributed and dispensed, then a distributor registration from the DEA is required.

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PRESCRIBING AND ADMINISTERING FOR DETOXIFICATION TREATMENT

21 CFR 1306.04(c) states that a prescription may **not** be issued for the dispensing of narcotic drugs listed in any schedule for "detoxification treatment" or "maintenance treatment".

21 CFR 1306.07 states that a physician who is not specifically registered to conduct a narcotic treatment program may administer but not prescribe narcotic drugs to a person for the purpose of relieving acute withdrawal symptoms when necessary while arrangements are being made for referral for treatment. Not more than one day's medication may be administered to the person or for the person's use at one time. Such emergency treatment may be carried out for not more than three days and may not be renewed or extended.

STORING CONTROLLED SUBSTANCES

According to 21 CFR 1301.75(b), controlled substances listed in Schedules II, III, IV, and V shall be stored in a securely locked, substantially constructed cabinet.

REPORTING THEFT OF DEA ORDER FORMS

According to 21 CFR 1305.12(b), whenever any used or unused DEA order forms are stolen from or lost by any purchaser or supplier, he/she shall immediately upon discovery of such theft or loss, report the same to the Registration Unit, Drug Enforcement Administration, Department of Justice, Post Office Box 28083, Central Station, Washington, DC 20005.

SECURING BLANK PRESCRIPTION FORMS

Forgery can be a major source of drug diversion. Prescription orders are forged on blank prescription forms stolen from physicians' offices, hospitals, and clinics. Whole pads or single sheets may be taken, especially if they are in plain view. Forgers will alter a legitimate prescription order by changing the renewal instructions or quantity to be dispensed, by erasing the name of the drug prescribed and replacing it with the name of a controlled substance and by supplying a DEA registration number. Because of this, it is essential that all controlled substance prescription orders be typewritten, or written in ink or indelible pencil.

Prescription pads are extremely valuable and should be treated appropriately. Consider having two types of pads, one labeled "not for controlled substances" and the other "for controlled substances only." Any pads used for controlled substances should be concealed or secured. Improve the security of prescription pads by following these rules:

- Store all unused prescription pads in a safe place where they cannot be seen or easily stolen.
- Minimize the number of pads in use at one time.
- Have prescription blanks numbered consecutively when printed so that you can tell if some sheets are missing.
- Never sign prescription blanks in advance.
- Controlled substance prescriptions should be typewritten, or written in ink or indelible pencil to prevent changes being made by others.
- Write out the amount of medication prescribed in addition to using an Arabic or Roman numeral.
- Do not use your prescription blanks for writing notes or memos.
- Do not leave prescription pads in unattended examining rooms, office areas, or in your bag or car where they can easily be stolen.