



U. S. Department of Justice
Drug Enforcement Administration
8701 Morrisette Drive
Springfield, Virginia 22152

www.dea.gov

Lee Ann C. Stember
President
National Council for Prescription Drug Programs, Inc.
9240 E. Raintree Drive
Scottsdale, Arizona 85260

JUL 27 2017

Dear Ms. Stember:

This is in response to your letter dated May 31, 2017, to the Drug Enforcement Administration (DEA) regarding the Comprehensive Addiction and Recovery Act of 2016 (CARA) and the partial fill allowance for Schedule II prescriptions allowed under Section 702. The National Council for Prescription Drug Programs, Inc. (NCPDP) recommends the delay in the enforcement of CARA's partial fill allowance until after the Department of Health and Human Services (HHS) Centers for Medicare and Medicaid Services (CMS) publishes its final rule adopting the revised NCPDP Telecommunication Standard Version D.0 and completing the implementation time period. The DEA appreciates the opportunity to address your concerns.

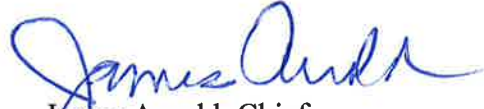
Title 21, United States Code, Section 829(f)(3) states that "Notwithstanding paragraph (1) or (2), in any circumstance in which, as of the day before July 22, 2016, a prescription for a controlled substance in schedule II may be lawfully partially filled, the Attorney General may allow such a prescription to be partially filled." Section 702 of CARA became effective on July 22, 2016. As such, the DEA does not have the authority to delay its implementation. Please note that the DEA is currently promulgating proposed rulemaking to address the changes to Title 21, Code of Federal Regulations, Section 1306.13 (21 C.F.R. § 1306.13) made by the passage of CARA. In the meantime, it is recommended that to ensure a complete and accurate record is maintained regarding partial fills of Schedule II controlled substances, that pharmacists use the guidance provided under 21 C.F.R. § 1306.13(b), which states the following:

"For each partial filling, the dispensing pharmacist shall record on the back of the prescription (or on another appropriate record, uniformly maintained, and readily retrievable) the date of the partial filling, quantity dispensed, remaining quantity authorized to be dispensed, and the identification of the dispensing pharmacist. The total quantity of Schedule II controlled substances dispensed in all partial fillings must not exceed the total quantity prescribed." CARA also states that "Except as provided in [emergency situations], remaining portions of a partially filled prescription for a controlled substance in schedule II ... shall be filled no later than 30 days after the date on which the prescription is written."

Nothing in the DEA's regulations authorize or permit any person to do any act which such person is not authorized or permitted to do under other Federal laws, or under the law of the state in which he or she desires to do such act nor shall compliance with the DEA's regulations be construed as compliance with other Federal or state laws unless expressly provided in such other laws, 21 C.F.R. § 1307.02. When Federal and state law or regulation conflict, then the person involved must adhere to the stricter aspects of each.

For information regarding the DEA Diversion Control Division, please visit www.DEAdiversion.usdoj.gov. Located on that website you will find electronic copies of the Federal Regulations referenced above. If you have any additional questions on this issue, please contact the Diversion Control Division's Liaison and Policy Section at (202) 307-7297.

Sincerely,



James Arnold, Chief
Liaison and Policy Section
Diversion Control Division