

1 21 NCAC 36 .0809 is proposed for amendment as follows:

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3 **21 NCAC 36 .0809 PRESCRIBING AUTHORITY**

4 (a) The prescribing stipulations contained in this Rule apply to writing prescriptions and ordering the  
5 administration of medications.

6 (b) Prescribing and dispensing stipulations are as follows:

7 (1) Drugs and devices that may be prescribed by the nurse practitioner in each practice site  
8 shall be included in the collaborative practice agreement as outlined in Rule .0810(b) of  
9 this Section.

10 (2) Controlled Substances (Schedules II, IIN, III, IIIN, IV, V) defined by the State and Federal  
11 Controlled Substances Acts may be procured, prescribed or ordered as established in the  
12 collaborative practice agreement, providing all of the following requirements are met:

13 (A) the nurse practitioner has an assigned DEA number which is entered on each  
14 prescription for a controlled substance;

15 (B) ~~dosage units for schedules II, IIN, III, and IIIN are limited to a 30 day supply;~~  
16 Refills may be issued consistent with Controlled Substance Law and Regulation;  
17 and

18 (C) the supervising physician(s) must possess the same schedule(s) of controlled  
19 substances as the nurse practitioner's DEA registration.

20 (3) The nurse practitioner may prescribe a drug or device not included in the collaborative  
21 practice agreement only as follows:

22 (A) upon a specific written or verbal order obtained from a primary or back-up  
23 supervising physician before the prescription or order is issued by the nurse  
24 practitioner; and

25 (B) the written or verbal order as described in Part (b)(3)(A) of this Rule shall be  
26 entered into the patient record with a notation that it is issued on the specific  
27 order of a primary or back-up supervising physician and signed by the nurse  
28 practitioner and the physician.

29 ~~(4) Refills may be issued for a period not to exceed one year.~~

30 ~~(5)~~(4) Each prescription shall be noted on the patient's chart and include the following  
31 information:

32 (A) medication and dosage;

33 (B) amount prescribed;

34 (C) directions for use;

35 (D) number of refills; and

36 (E) signature of nurse practitioner.

37 ~~(6)~~(5) Prescription Format:

1 (A) all prescriptions issued by the nurse practitioner shall contain the supervising  
2 physician(s) name, the name of the patient, and the nurse practitioner's name,  
3 telephone number, and approval number;

4 (B) the nurse practitioner's assigned DEA number shall be written on the prescription  
5 form when a controlled substance is prescribed as defined in Subparagraph  
6 (b)(2) of this Rule.

7 ~~(7)~~(6) A nurse practitioner shall not prescribe controlled substances, as defined by the State  
8 and Federal Controlled Substances Acts, for the nurse practitioner's own use or that of a  
9 nurse practitioner's supervising physician; or that of a member of the nurse practitioner's  
10 immediate family, which shall mean a spouse, parent, child, sibling, parent-in-law, son or  
11 daughter-in-law, brother or sister-in-law, step-parent, step-child, step-siblings, or any  
12 other person living in the same residence as the licensee; or anyone with whom the  
13 nurse practitioner is having a sexual relationship or has a significant emotional  
14 relationship.

15 (c) The nurse practitioner may obtain approval to dispense the drugs and devices other than samples  
16 included in the collaborative practice agreement for each practice site from the Board of Pharmacy, and  
17 dispense in accordance with 21 NCAC 46 .1703 that is hereby incorporated by reference including  
18 subsequent amendments of the referenced materials.

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20 *History Note: Authority G.S. 90-8.1; 90-8.2; 90-18(14); 90-18.2; 90-171.23(b)(14);*  
21 *Recodified from 21 NCAC 36 .0227(h) Eff. August 1, 2004;*  
22 *Amended Eff. February 1, 2017; December 1, 2012; April 1, 2011; November 1, 2008;*  
23 *August 1, 2004.*