

ATTENTION: 2019 Medication-Related Legislative Changes Affecting Veterinarians

There are 4 important sections of new law which go into effect on **July 1, 2019** that practicing veterinarians need to be aware of.

Opioids: <https://www.revisor.mn.gov/bills/bill.php?b=House&f=HF0400&ssn=0&y=2019> These changes will likely result in more calls from pharmacies that dispense opioids to veterinary clients.

Note: There are several other changes that will be in effect at later dates.

Mandatory Client Identification Check - before a veterinarian dispenses or prescribes any controlled substance in Schedules II - V to a client, the identity of the client or person picking up the medications, some form of legal, valid documentation must be checked. Most commonly, this would be a driver's license. Proof of the identity check should be captured in the medical record.

- No prescription for Schedules II through IV opiates or a narcotic pain relievers may be initially **dispensed** more than 30 days after the date on which the prescription was issued. *In other words, a client cannot wait more than 30 days to get the prescription filled for the first time.*
- No subsequent refills indicated on a prescription for a Schedule III or IV opiate or narcotic pain reliever may be dispensed more than 30 days after the previous date on which the prescription was initially filled or refilled. After the authorized refills for Schedule III or IV opiate or narcotic pain relievers have been used up or are expired, no additional authorizations may be accepted for that prescription. If continued therapy is necessary, a new prescription must be issued by the prescriber.

Limit on quantity of opiates prescribed - applies to veterinarians and pharmacists

These limits may result in pharmacists contacting prescribers more frequently for verification that a quantity prescribed in excess of a **7-day supply** is truly necessary.

- When used for the treatment of **acute pain**, prescriptions for Schedules II through IV opiates or narcotic pain relievers shall not exceed a seven-day supply for an adult and shall not exceed a five-day supply for a minor under 18 years of age.

Note: Although not specified, pharmacists may conclude that the limit should be 7 days for animals. Clarification has been sought from the Board of Pharmacy.

- "Acute pain" in this section of law means pain resulting from disease, accidental or intentional trauma, surgery, or another cause, that the practitioner reasonably expects to last only a short period of time. Acute pain does not include chronic pain or pain being treated as part of cancer care, palliative care, or hospice or other end-of-life care.
- If, in the professional clinical judgment of a practitioner, more than the limit specified in the above bullet point is required to treat a patient's acute pain, the practitioner may issue a prescription for the quantity needed to treat the patient's acute pain.

Note: The reason for this choice should be documented in the medical record.

Very Significant Changes in Licensing Costs for Manufacturers of Opioids

The cost for initial licensure and registration and subsequent licensure and registration renewal for opioid manufacturers has been increased from **\$260 to \$55,000**. The law makes no distinction between manufacturers that produce opioids for either human or just animal use. This has alarmed the companies that solely manufacturer opioid products for veterinary use. The suggestion has been made that the manufacturer of veterinary opioids may stop making these drugs available to veterinarians in Minnesota. For example, butorphanol could become unavailable for animal pain in this state.

Note: The Board of Pharmacy is aware of this major concern for veterinarians and hopes to discuss the topic at the upcoming meeting of the Board of Pharmacy's Directors on June 19th.

Pharmacy Fee-Splitting with Veterinarians

Veterinarians cannot set the price of prescription medications that are dispensed by a pharmacy unless this arrangement is disclosed **in writing to the client by the pharmacy** and for each prescription dispensed.

An exception to this regulation has been made for prescriptions dispensed for food-producing animals.

Emergency Drug Refills

Pharmacists can provide a 30-day supply of certain medications for chronic conditions even when no refills remain under these conditions (all must be met):

- The pharmacist has tried but is unable to contact the veterinarian who issued the prescription.
- There is a prior prescription order for the drug at that pharmacy and there is evidence in the pharmacy's records that authorized refills were consistently sought.
- The drug is essential to sustain the life of the patient or to continue therapy for a chronic condition
- The drug is not a controlled substance (Exception: Refills for seizure disorders are allowed but only a 72-hour supply)

Compounded Medications for Urgent Care

Compounding pharmacies can now prepare and sell certain drugs that are needed for urgent or emergency treatment of animals without first receiving a prescription. The quantity of medication must be limited to a 10-day supply which allows time for a patient-specific prescription to be received and filled.