

<b>Part I</b>	ADMINISTRATION OF THE GOVERNMENT
<b>Title XV</b>	REGULATION OF TRADE
<b>Chapter 94C</b>	CONTROLLED SUBSTANCES ACT
<b>Section 9</b>	ADMINISTERING AND DISPENSING OF CONTROLLED SUBSTANCES IN COURSE OF PROFESSIONAL PRACTICE; RECORDS, INSPECTION

Section 9. (a) A physician, dentist, podiatrist, optometrist as limited by sections 66 and 66B of chapter 112 and subsection (h) of section 7, nurse practitioner and psychiatric nurse mental health clinical specialist as limited by subsection (g) of said section 7 and section 80E of said chapter 112, physician assistant as limited by said subsection (g) of said section 7 and section 9E of said chapter 112, certified nurse midwife as provided in section 80C of said chapter 112, nurse anesthetist, as limited by subsection (g) of said section 7 and section 80H of said chapter 112, pharmacist as limited by said subsection (g) of said section 7 and section 24B 1/2 of said chapter 112, or veterinarian when registered under said section 7, may, when acting in accordance with applicable federal law and any provision of this chapter which is consistent with federal law and in good faith and in the course of a professional practice for the alleviation of pain and suffering or for the treatment or alleviation of disease, possess controlled substances as may reasonably be required for the purpose of patient treatment and may administer controlled substances or may cause the same to be administered under his direction by a nurse.

A practitioner may cause controlled substances to be administered under his direction by a licensed dental hygienist for the purposes of local anesthesia only.

*[ Paragraph added following second paragraph of subsection (a) by 2016, 234, Sec. 1 effective November 8, 2016.]*

A practitioner may cause an immunization to be administered under the practitioner's direction by a certified medical assistant, as defined in section 265 of chapter 112.

(b) Notwithstanding section 17, a physician, physician assistant, dentist, podiatrist, optometrist, certified nurse midwife, nurse practitioner, psychiatric nurse mental health clinical specialist, nurse anesthetist, pharmacist as limited by said subsection (g) of said section 7 and section 24B 1/2 of said chapter 112, or veterinarian registered under said section 7, may, when acting in good faith and in the practice of medicine, dentistry, podiatry, optometry, nurse-midwifery, pharmacy or veterinary medicine or as a nurse, as the case may be, and when authorized by a physician, dentist, podiatrist, optometrist, nurse practitioner, physician assistant, certified nurse midwife, psychiatric nurse mental health clinical specialist, nurse anesthetist, or veterinarian in the course of such nurse's professional practice, dispense by delivering to an ultimate user a controlled substance in a single dose or in a quantity that is, in the opinion of such physician, dentist, podiatrist, optometrist, nurse practitioner, physician assistant, certified midwife, psychiatric nurse mental health clinical specialist, nurse anesthetist, pharmacist or veterinarian, essential for the treatment of a patient. The amount or quantity of any controlled substance dispensed under this subsection shall not exceed the quantity of a controlled substance

necessary for the immediate and proper treatment of the patient until it is possible for the patient to have a prescription filled by a pharmacy. All controlled substances required by the patient as part of the patient's treatment shall be dispensed by prescription to the ultimate user in accordance with this chapter.

This section shall not prohibit or limit the dispensing of a prescription medication that is classified by the department as schedule VI and that is provided by the manufacturer as part of an indigent patient program or for use as samples if the prescription medication is: (i) dispensed to the patient by a professional authorized to dispense controlled substances pursuant to this section; (ii) dispensed in the package provided by the manufacturer; and (iii) provided at no charge to the patient. The department shall promulgate rules and regulations governing the dispensing of medication pursuant to this section. These rules and regulations shall include, but not be limited to, the types and amounts of medications that may be dispensed and the appropriate safeguards for the labeling and dispensing of such medications.

This section shall not be construed to prohibit a physician or an optometrist from the in-office dispensing and sale of therapeutic contact lenses as long as the medication contained in such lenses is within the profession's designated scope of practice.

For the purposes of this section, "therapeutic contact lenses" shall mean contact lenses which contain 1 or more medications and which deliver such medication to the eye.

(c) A nurse who has obtained from a physician, dentist, physician assistant, podiatrist, certified nurse midwife, nurse practitioner, psychiatric nurse mental health clinical specialist, nurse anesthetist, pharmacist or veterinarian a controlled substance for dispensing to an ultimate user pursuant to subsection (b) or for administration to a patient pursuant to subsection (a) during the absence of the physician, physician assistant, dentist, podiatrist, certified nurse midwife, nurse practitioner, psychiatric nurse mental health clinical specialist, nurse anesthetist, pharmacist or veterinarian, shall return to the physician, physician assistant, dentist, podiatrist, certified nurse midwife, nurse practitioner, psychiatric nurse mental health clinical specialist, nurse anesthetist, pharmacist or veterinarian any unused portion of the controlled substance which is no longer required by the patient.

A licensed dental hygienist who has obtained a controlled substance from a practitioner for dispensing to an ultimate user pursuant to subsection (a) shall return to such practitioner any unused portion of the substance which is no longer required by the patient.

(d) Every physician, physician assistant, dentist, podiatrist, certified nurse midwife, nurse practitioner, psychiatric nurse mental health clinical specialist, nurse anesthetist, pharmacist or veterinarian shall, in the course of a professional practice, keep and maintain records, open to inspection by the commissioner during reasonable business hours, which shall include the following: the names and quantities of any controlled substances in schedules I, II or III received by the practitioner; the name and address of each patient to whom such controlled substance is administered or dispensed; the name, dosage and strength per dosage unit of each such controlled substance; and the date of such administration or dispensing.

(e) Notwithstanding subsection (b), a physician, nurse practitioner, physician assistant, pharmacist as limited by subsection (g) of section 7 and section 24B 1/2 of said chapter 112 or certified nurse midwife, when acting in good faith and providing care under a program funded in whole or in part by 42 U.S.C. section 300, or in a clinic licensed by the department to provide comparable medical services or a registered nurse, registered under section 74 of said chapter 112 and authorized by such physician, nurse practitioner, physician assistant, pharmacist as limited by said subsection (g) of said section 7 and section 24B 1/2 of said chapter 112, certified

nurse midwife may lawfully dispense controlled substances pursuant to schedule VI to recipients of such services in such quantity as needed for treatment and shall be exempt from the requirement that such dispensing be in a single dose or as necessary for immediate and proper treatment under subsection (b). A registered nurse shall dispense under this subsection only as provided in section 17. The department may establish rules and regulations controlling the dispensing of these medications, including, but not limited to, the types and amounts of medications dispensed and appropriate safeguards for dispensing.