PUBLICATION

DEA Releases Interim Final Rule and Request for Comment on Electronic Prescribing for Controlled Substances

March 26, 2010

On March 24, 2010, the Drug Enforcement Administration (DEA) of the Department of Justice released its Interim Final Rule (IFR) on the electronic prescribing of controlled substances. DEA is providing for a comment period on the IFR to end 60 days from formal publication in the *Federal Register*, expected March 31, 2010. Until then, an unofficial version of the IFR can be found at http://www.federalregister.gov/inspection.aspx#spec_D.

DEA implements the Controlled Substances Act, regulating the manufacturing, distributing and dispensing of controlled substances. For several years issues remained unresolved in the area of electronic prescribing, where DEA's regulatory authority overlaps the federal health information technology (health IT) agenda. The resulting inability to prescribe controlled substances electronically as part of ongoing e-prescribing initiatives has been a barrier to health IT adoption efforts. Electronic prescribing is considered foundational to the nation's agenda for achieving safety, quality, and efficiency in a reformed health care system.

Health care providers, the information technology industry, and other stakeholders will now have an opportunity to review and comment on this long-awaited regulatory action.

If you have any questions regarding electronic prescribing, health IT, or controlled substances regulations, or would like assistance in submitting comments on the IFR, please contact your Baker Donelson attorney or any of the attorneys or advisors in our Health Law or Federal Public Policy groups.