

 **STATE OF NEW YORK  
DEPARTMENT OF HEALTH**

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.  
*Commissioner*

Wendy E. Saunders  
*Chief of Staff*

January 11, 2008

Dear Administrator:

The Department of Health has previously exempted your facility and its affiliated clinics and health services from the requirement to issue prescriptions for non-controlled substances on an official New York State prescription form. Under the exemption, staff practitioners may issue prescriptions for non-controlled substances on your facility's own prescription form until serialized authentication labels become available.

Please be informed that serialized authentication labels are now available. Each exempted facility is required to obtain and begin affixing the labels to all written prescriptions for non-controlled substances by no later than February 25, 2008. Written prescriptions for controlled substances must continue to be prescribed on an official New York State prescription form.

The Department will provide serialized authentication labels to exempted facilities free of charge in sufficient quantities. A primary hospital or facility already registered with the Official Prescription Program should order labels on-line through their existing Health Provider Network (HPN) account with the Department. Primary hospitals may distribute the labels to their affiliated clinics and health services. Affiliated clinics and health services wishing to obtain labels directly from the Department must first be registered with the Official Prescription Program.

It is the responsibility of a registered facility to obtain all serialized authentication labels and official prescriptions for use. The requirements for safeguarding the labels are identical to the requirements for safeguarding official New York State prescriptions. A facility's system of control and security for safeguarding the labels and official prescriptions must include, at a minimum, the following:

1. a record of all labels and official prescriptions received.
2. a record of all labels and official prescriptions assigned to staff practitioners.
3. a system whereby labels and official prescriptions are surrendered to the registered facility by the staff practitioner if the staff practitioner to whom they were assigned terminates his affiliation with the facility.
4. a system whereby the registered facility has a sufficient but not excessive quantity of labels and official prescriptions in reserve for use by the registered facility.

It is important to note that facilities and their affiliated clinics and health services that utilize serialized authentication labels will also satisfy the new federal law requirement that written prescriptions for Medicaid patients be tamper-resistant beginning April 1, 2008. The Office of Medicaid Management will provide you with additional information regarding tamper-resistant prescription requirements for Medicaid patients in the near future.

Please contact the Bureau of Narcotic Enforcement toll free at 1-866-811-7957 (Option 1) if you have questions regarding serialized authentication labels or the registration process for clinics and health services.

Sincerely,

James Giglio  
Director  
Bureau of Narcotic Enforcement