Office of Controlled Substances Administration (OCSA)
Controlled Dangerous Substance (CDS) FAQs during COVID-19

Updated: March 26, 2020

The State of Maryland is under a State of Emergency as of March 5, 2020. Under Governor Hogan’s direction, state agencies continue to develop comprehensive and coordinated prevention and response plans for the novel coronavirus (COVID-19). The Maryland Department of Health’s Office of Provider Engagement and Regulation (OPER) will provide updates as this situation develops.

OPER endeavors to provide the most up-to-date information, but this guidance does not replace any federal, state, or local laws or regulations, or official notices issued by any regulatory agency.

For the latest information and resources about COVID-19 in Maryland, visit: coronavirus.maryland.gov/

Drug Enforcement Administration (DEA) has issued guidance related to Controlled Dangerous Substances (CDS) and COVID-19: https://www.deadiversion.usdoj.gov/coronavirus.html

Please note: certain state laws and regulations are more restrictive than current federal regulations; state laws should be consulted when implementing CDS-related practices during this State of Emergency.

Healthcare practitioners should consult their respective health professional licensing Board websites for profession-specific information regarding COVID-19.

Office of Controlled Substances Administration (OCSA):
Website: https://health.maryland.gov/OCSA/
Email: Maryland.OCSA@maryland.gov
Phone: 410-764-2890

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Controlled Substances Prescribing/Dispensing Questions

Do I need to change anything about the way I prescribe CDS during the State of Emergency?

During the COVID-19 State of Emergency, it is expected that providers are complying with all current state and federal laws and regulations around the prescribing and dispensing of CDS, including opioids for pain management.

Prescribers should consult their professional health licensing Board for any guidance or standards of care.

If you are unable to conduct a standard in-person visit for ongoing assessment of a patient on maintenance CDS medications, a prescription for the maintenance medication issuing a prescription may still be warranted.

Consider the following prior to prescribing:

- Checking the PDMP
- Talking with the patient over the phone, or communicating through any other means, to assess the ongoing treatment of the patient
- Scheduling an in-person (or telehealth, where allowed under Maryland regulations) visit in the next 1-3 months.

If a Schedule II prescription cannot be issued in person to a patient, consider:

- Electronic prescribing of CDS medications where technology allows.
- Emergency prescription telephonically issued to the pharmacist, ensuring compliance with all applicable laws and regulations.

Can I practice telehealth in Maryland?

When implementing telehealth practice in Maryland, we recommend practitioners review Maryland telehealth regulations and guidance from their professional licensing Board and the federal Department of Health and Human Services guidance.¹

Reimbursement for telehealth services is at the discretion of the payer.

Can a Schedule II prescription be refilled?

No, refills for Schedule II prescriptions cannot be issued per federal law (21CFR 1306.12) and Maryland state law (Criminal-Law Article §5-501). However, DEA has issued DEA Policy: Registrant Guidance on Controlled Substance Prescription Refills which provides guidance including that multiple prescriptions may be written allowing the patient to receive

¹ https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html
up to a 90-day supply of a Schedule II CDS over those multiple prescriptions.²

Can a Schedule III-V prescription be refilled?

Yes, refills for Schedule III-V prescriptions are authorized in compliance with federal law (21CFR 1306.22), state law (Criminal-Law Article §§5-504 and 5-505).

May prescribers that routinely give short supplies of medications requiring patients to go to a pharmacy more frequently prescribe for longer periods?

Shorter duration prescriptions may continue to be unavoidable for certain situations. If appropriate, the use of longer prescription lengths should be considered. Again, this should be at the discretion of a practitioner balancing patient safety and CDS supply.

Can a pharmacy complete an early refill of a CDS medication for a patient?

Yes, early refills are allowed and may be appropriate to ensure patients have access to necessary medications.

The Maryland Insurance Administration (MIA) issued Bulletin 20-05 on March 6, 2020 stating that “carriers are required to waive any time restrictions on prescription medication refills and authorize payment to pharmacies for at least a 30-day supply of any prescription medication, regardless of the date upon which the prescription medication had most recently been filled by a pharmacist.”³

Additionally, DEA has issued DEA Policy: Registrant Guidance on Controlled Substance Prescription Refills)⁴

Can a pharmacist fill a prescription that requires a prior authorization in an emergency if the prescriber is unavailable?

Medicaid Fee-for-Service pharmacy patients can have prescriptions requiring prior authorization filled with a 14 day emergency supply, instead of the usual 72 hour emergency supply. Consult Medicaid to complete this action in compliance with instructions. Patient insurance coverage may vary on similar policies being put in place.

May a pharmacy deliver or mail prescriptions to patients at their home?

Yes, pharmacies may deliver prescriptions, including those that contain CDS, to patients.

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² https://www.deadiversion.usdoj.gov/GDP/[DEA-DC-017]([DEA065]%20Early%20RX%20Refill%20-%20OMB%203-20%202200%20DAA%20approved.pdf
⁴ https://www.deadiversion.usdoj.gov/GDP/[DEA-DC-017]([DEA065]%20Early%20RX%20Refill%20-%20OMB%203-20%202200%20DAA%20approved.pdf
Delivery is a convenient/safe option to help patients who are at higher risk for COVID-19 or who are in quarantine obtain refills or new prescriptions without having to visit a pharmacy location. Secure transfer of prescription in transit and upon delivery to the patient should be considered when implementing this practice. The delivery personnel should be equipped with all necessary protection to prevent spread of COVID-19.

Healthcare practitioners should recognize that patients may be switching pharmacies to protect their health and safety at this time.

Can an Opioid Treatment Program (OTP) (or Narcotic Treatment Program (NTP)) order a supply of methadone early during the state of emergency?

Yes, if an OTP (or NTP) needs to place an early order for methadone due to the COVID-19 State of Emergency, the program can contact Niketa Prince, DEA Diversion Group Supervisor, Baltimore District Office, in writing at niketa.g.prince@usdoj.gov. The decision to allow an early order will be made by DEA on a case-by-case basis.

I’m a practitioner that utilizes urinalysis regularly for my patients receiving pain management medications. What should I do?

Professional judgment should be employed to determine if temporary suspension of this practice is appropriate, balancing the health and safety of the patient and the community and requirements stated under Health-Occupations Article of the Annotated Code of Maryland.
Maryland CDS Practitioner Licensure Questions

I have an active CDS Individual or Establishment Registration that is due to expire soon. What should I do?

The Office of Controlled Substances Administration (OCSA) strongly encourages a registrant with a CDS Individual or Establishment Registration that is due to expire soon to go to the OCSA Online Renewal website (https://egov.maryland.gov/mdh/cds) to complete their renewal. Governor Hogan signed an Executive Order extending the expiration date of any current license or registration until 30 days after the State of Emergency for the COVID-19 pandemic influenza is ended. Although this extension is in place, OCSA will continue to process renewal applications received.

Using the OCSA Online Renewal website (https://egov.maryland.gov/mdh/cds), the registrant can renew their CDS registration online up to 60 days before or 30 days after the expiration date listed on the certificate. OCSA will process applications, but may experience delays in issuing mailed certificates during this State of Emergency; however you may always verify your CDS status, including a processed renewal, by utilizing the CDS Search tool (https://health.maryland.gov/ocsa/Pages/cdssearch) on the OCSA website. Renewed registrations will be reflected on the CDS Search tool.

If needed, a registrant can download the CDS application from the OCSA website’s CDS Application page (https://health.maryland.gov/ocsa/Pages/CDS-Application.aspx) and mail the CDS application and check or money order to the Office of Controlled Substances Administration, 4201 Patterson Avenue, 5th Floor, Baltimore, MD 21215. Please note that mailed renewal applications are not the preferred method of submission at this time.

Can I still obtain a new Individual or Establishment CDS Registration?

Yes, the Office of Controlled Substances Administration (OCSA) is still accepting new Individual or Establishment Controlled Dangerous Substances (CDS) applications by mail and will continue to process these applications at this time. The new Individual or Establishment CDS application can be accessed from the Office of Controlled Substances Administration website at https://health.maryland.gov/ocsa.

A separate CDS application is required for each individual profession and the type of establishment, each principal place of business or professional practice where the controlled dangerous substances are stored, administered and dispensed. The mailing address to submit the CDS application and the registration fee is the Office of Controlled Substances Administration, 4201 Patterson Avenue, 5th Floor, Baltimore, MD 21215. OCSA will process applications, but may experience delays in issuing mailed certificates during this State of Emergency; however you may always verify your CDS status by utilizing the CDS Search tool (https://health.maryland.gov/ocsa/Pages/cdssearch) on the OCSA website. New registrations will be reflected on the CDS Search tool.

What should I do to fast-track the processing of a CDS application for vacated hospitals to be
If a vacated hospital will be put in service to support the state’s COVID-19 response, your application will be fast-tracked. Obtain an “Establishment - 3 Year Application” from the OCSA website: https://health.maryland.gov/ocsa/Pages/CDS-Application.aspx, where instructions for completion are also posted. Mail your completed application along with a check for $120 and copies of appropriate Health Occupation Board, Office of Health Care Quality (OHCQ), and/or other applicable license by any carrier that does overnight delivery. Contact OCSA the next day by phone at 410-764-2890 to ensure your application arrived. Please let a staff member know that you are a vacated hospital in need of licensure quickly to aid in COVID-19 response. We will review and process your application in an expedited manner to allow the hospital to be used as needed. Mail to:

OFFICE OF CONTROLLED SUBSTANCES ADMINISTRATION (OCSA)
4201 Patterson Avenue, 5th Floor
Baltimore, Maryland 21215
Patient CDS Questions

Can I get my CDS prescription now before there is a quarantine or I get sick, even though it’s too early?

Pharmacists and prescribers must use their independent, professional judgment to consider early refills. You should speak with your healthcare provider.

I would like to have my CDS prescription delivered to my home. Can my pharmacy do this?

Delivery of prescriptions to a patient’s home is authorized, but is subject to the discretion and policies of a pharmacy.

If you are sick or under quarantine, consider whether a trusted family member can pick up the prescription for you, or use a pharmacy that has drive-thru capabilities if a pharmacy is unable to deliver.