

 **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

December 5, 2007
DPACS 07 - 16

Dear Chief Executive Officer:

The purpose of this letter is to inform you that Section 3703(3) of the Public Health Law has been recently amended to authorize a registered physician's assistant to prescribe controlled substances, including Schedule II. The law, effective December 13, 2007, requires such prescribing to be:

- In good faith and within the physician's assistant's lawful scope of practice;
- Authorized by the physician's assistant's supervising physician; and
- For patients under the care of the supervising physician.

Physician's Assistants issuing prescriptions for controlled substances must comply with all requirements of Article 33 of the Public Health Law and Part 80 of Title 10 of the New York Code of Rules and Regulations (NYCRR). In addition, physician's assistants also must be authorized by the Drug Enforcement Administration (DEA) to prescribe controlled substances. Physician's assistants wishing to prescribe Schedule II controlled substances must contact the DEA to amend their registration to include Schedule II prescribing authority, if necessary.

The current amendment to Section 3703 does not change the current authority of a physician's assistant to issue medical orders for the administration of Schedule II controlled substances in the inpatient hospital setting, in accordance with the hospital's policies and procedures. Each hospital has the discretion to determine whether or not physician's assistants in their employ may order Schedule II controlled substances for inpatients.

Should you have any questions regarding the new law, please contact the Bureau of Narcotic Enforcement at 866-811-7957.

Sincerely,



Martin J. Conroy
Director
Division of Primary and Acute Care Services

