



STATE OF NEW YORK
INSURANCE DEPARTMENT
AGENCY BUILDING ONE
EMPIRE STATE PLAZA
ALBANY, NY 12257

Circular Letter No. 20 (1998)
August 17, 1998

TO: ALL INSURERS LICENSED TO WRITE ACCIDENT AND HEALTH INSURANCE IN NEW YORK STATE, INCLUDING ARTICLE 43 CORPORATIONS AND HEALTH MAINTENANCE ORGANIZATIONS

RE: Requirements for prescriptions to bear a federally issued registration number.

It has come to our attention that some accident and health insurers, Article 43 corporations and health maintenance organizations (HMOs) may be requiring prescriptions to bear a federally issued registration number. A federally issued registration number is a number issued by the Drug Enforcement Agency (DEA) authorizing the prescription or distribution of controlled substances or specific scheduled drugs. Federal law requires providers to obtain a registration number in order to issue or fill a prescription for a controlled substance or certain scheduled drugs but does not require a registration number for non-controlled substances and non-scheduled drugs.

Accident and health insurers, Article 43 corporations and HMOs should not require prescriptions to bear a federally issued registration number if the drug prescribed is one for which a registration number is not otherwise required by law. Requiring all prescriptions to bear a federally issued registration number is unnecessarily burdensome. Some providers do not even have a federally issued registration number due to the expense of obtaining one and because they do not prescribe or dispense controlled substances in their type of practice. A requirement that the federally issued registration number appear on the prescription may serve to penalize such providers. In addition, a requirement that all prescriptions bear a federally issued registration number may delay the prompt payment of claims. Each prescriber's state license number is a unique identifier, and should be all that is required to appear on prescriptions for purposes of identification, rather than the federally issued registration number, when the drug prescribed is one for which a federally issued registration number is not otherwise required by law.

Please submit an acknowledgement of receipt of this circular letter to my attention by October 19, 1998 at the following address:

Health Bureau
New York State Insurance Department
Empire State Plaza, Agency Building 1
Albany, New York 12257

Fredric L. Bodner, JD
Assistant Deputy Superintendent and

Chief, Health Bureau