



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

April 4, 2018

Dear Licensed Veterinarian,

Recently, several questions have been circulating about the need for a veterinarian to register with the federal Drug Enforcement Agency (DEA) to prescribe, dispense, or administer a controlled substance during the practice of veterinary medicine. During the 2018 Texas Veterinary Medical Association annual conference representatives from the DEA made several clear and concise statements to answer these questions. The Texas Board of Veterinary Medical Examiners will enforce board rules to be consistent with the DEA's guidance.

Board rule 573.43 requires certain practitioners to obtain a controlled substances registration if such registration is required by a state or federal law.

RULE §573.43 Controlled Substances Registration

(a) A licensed veterinarian may not prescribe, administer, dispense, deliver, or order delivered, any controlled substance unless the licensed veterinarian is currently registered with the federal Drug Enforcement Administration (DEA) and the Texas Department of Public Safety (DPS) to dispense controlled substances if such registration is required by other state or federal law.

(b) A licensed veterinarian registered with the DEA and/or DPS must comply with all relevant statutes and rules as required by DEA and/or DPS, including but not limited to chapter 481 of the Texas Health and Safety Code, Chapter 13 of Part 1 of Title 37 of the Texas Administrative Code, and Chapter 13 of Title 21 of United States Code.

Rule 573.43 still references the old DPS registration and a new rule will be proposed to remove the out dated language and make the rule more concise.

The DEA Practitioners manual may be found www.deadiversion.usdoj.gov/pubs/manuals/pract/index.html. The manual contains a series of question and answers in appendix B. The question "Do practitioners in a group practice need to be registered?" is answered as follows:

A: An individual practitioner who is an agent or employee of another practitioner (other than a mid-level practitioner) registered to dispense controlled substances may, when acting in the normal course of business or employment, administer or dispense (other than by issuance of prescription) controlled substances if and to the extent that such individual practitioner is authorized or permitted to do so by the jurisdiction in which he or she practices, under the registration of the employer or principal practitioner in lieu of being registered him/herself.

Based on this guidance, the Board's staff will seek compliance in the following manner:

1. A DEA registration is required to order controlled substances for a practice and to write prescriptions.
2. A DEA registration is not required to dispense or administer controlled substances in the normal course of business if the veterinarian is an employee or authorized agent of the registrant who ordered the controlled substances. A registrant may authorize a relief veterinarian to act as an authorized agent.

If you have any questions about our rules, please contact our enforcement or legal division at (512) 305-7555.

Respectfully,

John M. Helenberg
Executive Director