

Prescribing Dangerous Drugs and the Law (Part 1)

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Prescription writing is one of core competencies of (a) qualified prescribers. It is also considered to be a medico-legal document that should be written legibly, accurately and completely and should indicate precisely what should be given to patients so that it can be correctly interpreted by dispensers leaving no doubt about the intension of the prescriber. Prescribing is thus a complex and challenging duty that requires diagnostic experience, knowledge of medicines, communication skills and professional competencies.¹

When prescribing dangerous drugs², medical practitioners³ must be aware of the provisions of the law⁴ and its guidelines⁵. The importance of following the laws and regulatory guidelines that govern prescribing dangerous drugs cannot be understated. Like any other commonly prescribed medicines, dangerous drugs have its unique indications contraindications and harms which a prescriber needs to know about. However, when it comes to dangerous drugs, prescribers need to know more than that. Prescribing or dispensing dangerous drugs is a heavily regulated activity and every medical practitioner, if they want to prescribe these drugs, must know the law, lest he suffer the stiff penalties of "*Comprehensive Dangerous Drugs Act of 2002*". The penalties provided for by law shall apply with equal force whether or not a particular dangerous drug is for therapeutic use or not. It is the intent of this article to inform medical practitioners on the current state of the law and in addressing medico-legal concerns when prescribing dangerous drugs.

Under the law "(n)o medical practitioner shall prescribe a dangerous drug and/or its preparation in any dosage form, or drug preparations containing a controlled chemical without a valid S-2 license issued by the PDEA (refers to the Philippine Drug Enforcement Agency).⁶ A "S-2 license" means a written permission or authorization from the Dangerous Drug Board to prescribe (a) dangerous drug preparations in any form; and/or (b) drug preparations containing controlled chemicals, except drug preparations containing Norephedrine / Phenylpropanolamine at doses 25 mg or below.⁷ A medical practitioner without a valid S-2 license is not authorized to prescribe a dangerous drug. If he do so, he will suffer the penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) for committing "*Unlawful Prescription of Dangerous Drugs*".⁸

Furthermore, a medical practitioner who has a valid S2-license can still be found guilty of "*Unnecessary Prescription of Dangerous Drugs*"⁹ if a dangerous drug is

prescribed "to any person whose physical or physiological condition does not require the use or in the dosage prescribed therein." Stated otherwise, the law prohibits a medical practitioner, particularly those who are involved in the care of persons with severe pain and with a valid S-2 license to prescribe dangerous drug to a patient whose medical condition does not require it or if the medical condition requires it, the dangerous drug was prescribed above the therapeutic dose. The penalty of imprisonment ranging from twelve (12) years and one (1) day to twenty (20) years and a fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed.¹⁰ In addition, the court shall order the revocation of license to practice medicine.¹¹

When prescribing dangerous drugs, a medical practitioner is required to use only the "*Special Prescription Form for dangerous drugs*"¹² and to supply in the form the following information:¹³

- 1) the full name, complete business address, telephone number/email address, current S-2 License number and validity of license, and Professional Tax Receipt of the prescribing practitioner;
- 2) complete name, age, and complete address of the patient;
- 3) date of the prescription, generic and brand name of the preparation to be supplied;
- 4) its dosage strength and form and the total number of dosage units or total quantity of preparation to be supplied in words and its numerical equivalent;
- 5) direction of use, and the inscription "no refill" at the face of the prescription; and the original signature of the medical practitioner.
- 6) Direction of use must be specified. "*Take as directed*" or "*Take as required*" is not authorized.

References

1. Demeke, Birhanu & Gomathi, Periasamy; "Prescribers' Adherence to Basic Prescription Writing in Referral Hospitals in Ethiopia: The Case of Ayder Referral Hospital"; *Journal of Drug Delivery & Therapeutics*; 2014, 4(5), 167-172
2. (o) "*Dangerous drugs*" include those listed in the Schedules annexed to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and in the Schedules annexed to the 1971 Single Convention on Psychotropic Substances as enumerated in the attached annex which is an integral part of RA 9165 and include those classified as such by the Dangerous Drugs Board pursuant to Section 93 Article XI of RA 9165 for domestic control. Article I (o), Definition of Terms, "*Comprehensive Dangerous Drugs Act of 2002*" (R.A. 9165, as amended)
- (j) "*Controlled chemical*" means a substance listed as controlled precursor and essential chemical as defined pursuant to Section

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3(h), Article I, RA 9165 and includes those classified as such by the Dangerous Drugs Board pursuant to Section 93 Article XI of RA 9165 for domestic control. Article 1 Definition of Terms, [Dangerous Drug] Board Regulation No. 1 Series of 2014

(l) “*Controlled substance*” means either a dangerous drug or a controlled precursor and essential chemical. Article 1 Definition of Terms [Dangerous Drug] Board Regulation No. 1 Series of 2014

3. “*Medical practitioner*” means any person who is registered and entitled under the laws of the Philippines to practice the profession of medicine xxx. (qq), Id.
4. Comprehensive Dangerous Drugs Act of 2002 (R.A. 9165, as amended)
5. [Dangerous Drug] Board Regulation No. 1 Series of 2014
6. Section 6 (3). Requirements of Licenses and/or Permits for Operators or Handlers of Controlled Substance and Payment of Corresponding Fees; [Dangerous Drug] Board Regulation No. 1 Series of 2014
7. [OTC drugs, per BFAD AO 163, s. 2000], [Dangerous Drug] Board Regulation No. 1 Series of 2014
8. Section 19. *Unlawful Prescription of Dangerous Drugs*. – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall make or issue a prescription or any other writing purporting to be a prescription for any dangerous drug. “Comprehensive Dangerous Drugs Act of 2002”
9. Section 18, “Comprehensive Dangerous Drugs Act of 2002”
10. Id.
11. Id.
12. (jjj) “*Special Prescription Form for dangerous drugs*” means the prescription form for dangerous drugs that is made of a special kind of paper exclusively issued by and obtainable from DOH. Article I, Definition of Terms, “Comprehensive Dangerous Drugs Act of 2002” (R.A. 9165, as amended). Often called a “yellow prescription” because of its color.
13. Section 31 (3) Prescriptions, [Dangerous Drug] Board Regulation No. 1 Series of 2014