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June 1, 2010

Michele M. Leonhart  
Deputy Administrator  
Drug Enforcement Administration  
Attention: DEA Federal Register Representative/ODL  
8701 Morrisette Drive  
Springfield, VA 22152  
Docket No. DEA-218

Submitted electronically to <http://www.regulations.gov> & [dea.diversion.policy@usdoj.gov](mailto:dea.diversion.policy@usdoj.gov)

Re: **Electronic Prescriptions for Controlled Substances; Interim Final Rule with Request for Comment.** Docket No. DEA-218, RIN 1117-AA61. 75 Fed. Reg. 16235 (March 31, 2010).

Dear Deputy Administrator Leonhart:

The American Nurses Association (ANA) welcomes the opportunity to offer comments on the Drug Enforcement Administration's Interim Final Rule on Electronic Prescriptions for Controlled Substances.

The ANA is the only full-service professional organization representing the interests of the nation's 3.1 million registered nurses, the single largest group of health care professionals in the United States. We represent RNs in all roles and practice settings, through our state and constituent member nurses associations, and organizational affiliates. Our members include Advanced Practice Registered Nurses (APRNs) such as Nurse Practitioners (NPs), Clinical Nurse Specialists (CNSs), Certified Nurse Midwives (CNMs), and Certified Registered Nurse Anesthetists (CRNAs). Many APRNs are permitted to prescribe controlled substances under the laws of the state where they practice, and may apply to DEA for registration.

We support the DEA's initiative to establish a regulatory framework for the electronic prescribing of controlled substances, as well as the adjustments in this rule to make the process more user-friendly and practical. We share the view that the widespread adoption of electronic prescribing measures can make a significant difference in lowering the incidence of medication errors and complications which harm and endanger our patients. RNs and APRNs stand ready to embrace this new technology.

For example, as part of our efforts, ANA is affiliated with the Alliance for Nursing Informatics (ANI), a collaboration of organizations representing 5,000 nurses involved in the specialty of nursing informatics, which ties nursing care to information technology such as the use of electronic health records and electronic prescribing.

We offer two suggestions for consideration by the DEA. First, as these new procedures are set into play and clinicians begin to deal with the day-to-day reality of complying with the new requirements, questions and concerns are bound to surface. The criminal penalties for violations of the Controlled Substances Act could have a chilling effect upon healthcare providers who are unsure how to proceed with the new E-prescribing rules. Or even worse, unintentional but serious violations could occur.

Consequently, we urge the DEA to identify, and create, resources for health care providers to assist in answering questions regarding how to comply with the new E-prescribing procedures. The agency may want to consider developing a list of frequently asked questions, and summaries of the new rule and its procedures, for placement on the agency's website. DEA personnel should also be identified for providers to consult in particular areas or on particular questions. The Centers for Medicare & Medicaid Services (CMS) has numerous educational tools for providers, including "Open Door Forum" conference calls, and perhaps similar tools could be developed for E-prescribing of controlled substances. These and other mechanisms to provide assistance would help ensure understanding and compliance of the new procedures.

Second, we would also like to express some concerns about the use of Social Security numbers by Public Health Service employees who are exempt from registration requirements, under Section 1306.05(h) of the new regulation. Social security numbers are unique identifiers which are designed for an entirely different purpose. They should not be used for identification for electronic prescribing, and this rule would single out these employees and lock them into doing so.

The American Nurses Association appreciates this opportunity to comment on this important rule. If we can be of further assistance, or if you have any questions or comments, please feel free to contact Eileen Carlson, RN, JD, Associate Director, ANA Government Affairs, at [Eileen.carlson@ana.org](mailto:Eileen.carlson@ana.org) or 301-628-5093.

Sincerely,

A handwritten signature in cursive script that reads "Mary Jean Schumann".

Mary Jean Schumann, MSN, MBA, RN, CPNP  
Chief Programs Officer  
American Nurses Association