§ 3334. Emergency oral prescriptions for schedule II drugs and certain other controlled substances. 1. In an emergency situation, as defined by rule or regulation of the department, a practitioner may orally prescribe and a pharmacist may dispense to an ultimate user controlled substances in schedule II and those schedule III or schedule IV controlled substances as the commissioner may, by regulation, require; provided however the pharmacist shall:

(a) contemporaneously reduce such prescription to writing or to the extent authorized by federal requirements, to an electronic record;

(b) dispense the substance in conformity with the labeling requirements applicable to the type of prescription which would be required but for the emergency; and

(c) make a good faith effort to verify the practitioner's identity, if the practitioner is unknown to the pharmacist.

2. No oral prescription shall be filled for a quantity of controlled substances which would exceed a five day supply if the substance were used in accordance with the directions for use.

3. Within seventy-two hours after authorizing an emergency oral prescription, the prescribing practitioner shall cause to be delivered to the pharmacist the original of an official New York state prescription or an electronic prescription. Such prescription shall, in addition to the information otherwise required, also have upon the official New York state prescription or upon the electronic prescription the words: "Authorization for emergency dispensing." If the pharmacist fails to receive such prescription he or she shall notify the department in writing or electronically within seven days from the date of dispensing the substance.

4. Such official New York state prescription or electronic prescription shall be endorsed, and retained and filed in the same manner as is otherwise required for such prescriptions.