

FAQs on NYS Mandatory E-Prescribing

Starting March 27, 2015, the electronic prescribing (e-prescribing) of both controlled substances and non-controlled medications will be required in New York State under the provisions of the I-STOP law and subsequent regulations. The New York State Department of Health believes e-prescribing may reduce forgery, prescription theft and medication errors.

As a result, a number of questions have been received from the membership in regard to how to handle certain unique circumstances. As more information and questions are received, they will be posted here.

Q. Will I still be permitted to phone in prescriptions?

A. It will be permissible to phone in a prescription, **but only under very limited circumstances.** For example, if there is a system failure or if the physician is unable to access the e-prescribing system (e.g., if the physician is on call) AND the patient's health could be adversely affected if he/she does not receive the medication. (Be sure to document the circumstances.)

Q. What do I do if my patients request that they be provided with a paper prescription so they can “cost shop” to different pharmacies to find the cheapest out of pocket.

A. As of the latest information from NYS, there is no provision that addresses these circumstances.

Beginning March 27, 2015, all prescriptions, including all controlled substances, must be transmitted electronically – **so paper prescriptions will no longer be acceptable (there are extremely rare exceptions).**

A waiver from this mandate can be granted in limited circumstances. However, NYS has not yet provided any examples of the exception category highlighted in bold text below. They are expected to do so in early 2015.

When applicable, to qualify for a waiver, the prescriber must demonstrate that his or her ability to issue an electronic prescription is unduly burdened by: (a) economic hardship; (b) technological limitations that are not reasonably within the control of the prescriber; or (c) **other exceptional circumstance demonstrated by the prescriber.** The waiver is good for up to one year at which time the prescriber must reapply for a continuation of the waiver and set forth an updated statement of facts detailing the continuing circumstances in support of the renewal.

Q. Will I be able to apply for a waiver or an exception to this mandate?

A. As mentioned above, it is expected that the NYS BNE will provide more information about waivers in early 2015. Waivers will only be good for one year, and they may be difficult to get. They will be issued “pursuant to a process established in regulation by the Commissioner of Health, in consultation with the commissioner due to economic hardship, technological limitations that are not reasonably within the control of the practitioner, or other exceptional circumstance demonstrated by the practitioner.”

Unfortunately, physicians who obtained waivers from I-STOP or from Medicare’s e-prescribing requirement will not be able to apply those waivers to New York’s March 27, 2015, e-prescribing mandate.

Q. How do I get more information with regard to the E-Prescribing mandate in New York State?

A. You can contact the New York State Department of Health Bureau of Narcotic Enforcement 1-866-811-7957 or through their web site at: www.health.ny.gov/professionals/narcotic

You may also e-mail BNE at narcotic@health.state.ny.us

Q. Is there anything special I have to do if I prescribe controlled substances?

A. Yes. There is a federal process related to the prescription of controlled substances. So, if you are one of the many physicians who prescribe controlled substances, you must go through several extra steps when you first sign up with a vendor - so that when the time comes to send your first e-prescription you will be prepared.

For specifics on this aspect of the mandate, please contact us through the Third Party Insurance Help Program. Or, you can go to the web site at the link here.

http://www.health.ny.gov/professionals/narcotic/electronic_prescribing/

Q. What types of E-Prescribing systems are available?

A. You must only use an e-prescribing system that has been certified by the national prescription-routing network, Surescripts. Surescripts has a table of systems that it has certified at:

<http://surescripts.com/network-connections/mns/prescriber-software>.

If you want to focus on EMR systems, you can filter the Surescripts table for that category. Click on “EMR” in the left-hand column.

If you do not prescribe controlled substances, all the systems listed in this table are appropriate. But if you prescribe controlled substances as well as non-controlled medications, you need to look down the far right-hand column (headed “EPCS,” e-prescribing of controlled substances), for systems that have a blue check mark in this column.

If you want to focus on “standalone” (non-EMR) systems, you can filter the table for that category. Click on “Standalone” in the left column.

If you do not prescribe controlled substances, all the systems listed in this table are appropriate. But if you do prescribe controlled substances, you need to look down the far right-hand column (headed “EPCS,” e-prescribing of controlled substances), for systems that have a blue check mark in this column.

Again, for specifics on this aspect of the mandate, please contact us through the Third Party Insurance Help Program.