



E-Prescribing of Controlled Substances (EPCS)

New York State Board for Podiatry

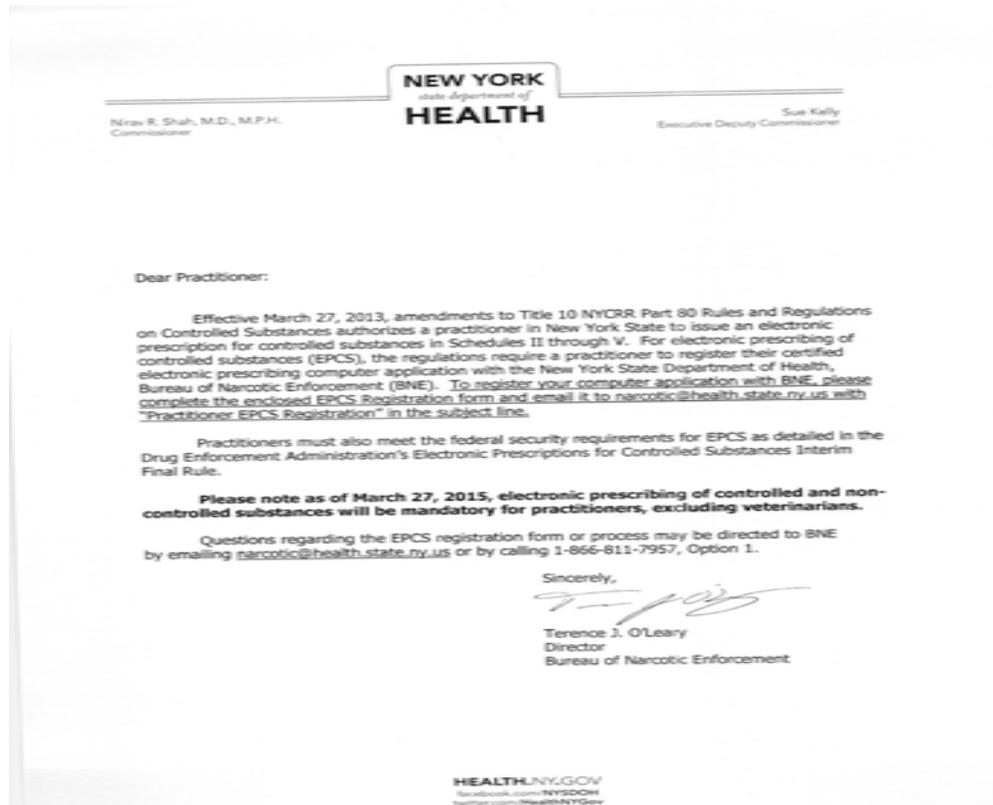
As of March 27, 2015 it will be mandatory for practitioners, excluding veterinarians, to issue electronic prescriptions for controlled and non-controlled substances.

Rationale

Modern prescription technology:

- ▶ minimizes medication errors for patients,
- ▶ allows for the integration of prescription records directly into the patient's electronic health record (EHR),
- ▶ reduces prescription theft and forgery.

This was Passed into NYS Law in 2012



Goes Into Effect March 27, 2015

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Two Components of Internet System for Tracking OverPrescribing (I-STOP) Legislation

1. Prescription Monitoring Program (eff. 8/27/13)
2. Electronic Prescribing (eff. 3/27/15)

BOTH ARE MANDATORY

Electronic Prescribing Software

1. Surescripts (Systemwide - Not prescriber's responsibility.)
2. Your EHR or Standalone Application (Each prescriber must have a compatible program.)



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Surescripts

- ▶ Surescripts is the company that supplies the software that allows the EHRs to talk to the pharmacy computers.
- ▶ Think of it as the company that handles the software for ATM machines. This software allows the different banks and ATMs all to talk and work together at the same time.



Your EHR

- ▶ Step 1, the software you use must meet all the federal security requirements for EPCS.
- ▶ *Federal security requirements include a third-party audit by an approved auditor or DEA certification of the software.*
- ▶ Your current EHR may not meet these standards for controlled substances.

You may need to have a standalone e-prescribing program if your EHR does not meet the requirements for controlled substances.

Status of EHRs and Standalone Applications

- ▶ To check the compatibility of EHR and standalone applications, go to:

<http://surescripts.com/network-connections/mns/prescriber-software?epcs=true>

Step 2 - Identity Proofing

- ▶ Prescribing practitioners must undergo identity proofing.
- ▶ Necessary to verify that a person is who he/she claims to be.
- ▶ This step is the podiatrist's responsibility.



How Step 2 Works

- ▶ Identity proofing must be conducted by credential service providers or certification authorities approved by the Federal government.
- ▶ Remote identity proofing is permissible.
- ▶ Institutional practitioners may be able to use a different method specific to their needs.
- ▶ Ask your EHR or standalone software provider to recommend credentialing or certification organization entity.

Step 3 - Two-Factor Authentication

- ▶ After identity proofing, practitioner will be issued a two-factor authentication credential.
- ▶ Two-factor - two of the following:
 - ▶ Something you know - password, PIN.
 - ▶ Something you have - hard token separate from computer being accessed.
 - ▶ Something you are - any biometric that meets DEA's requirements.

Step 3 - Continued

Protects practitioner from misuse of credential by insiders; also protects the podiatrist from external threats because practitioner can retain control of a biometric or hard token.



Step 4 - Registration with NYS Bureau of Narcotic Enforcement (BNE)

NEW YORK STATE DEPARTMENT OF HEALTH
Bureau of Narcotic Enforcement

Practitioner EPCS Registration

Amendments to Title 20 NYCRR Part 201 Rules and Regulations on Controlled Substances, adopted on March 22, 2013, authorize a practitioner in New York State to issue an electronic prescription for controlled substances (EPCS) in Schedule II through V. The practitioner must comply with all other State and Federal requirements for issuing a prescription for a controlled substance as specified in Article 23 of the Public Health Law, Title 20 of the NYCRR and Title 21 of the Code of Federal Regulations. Pursuant to 20 NYCRR 201.6(a)(2), a practitioner shall use an electronic prescribing application that is compliant with Federal requirements to provide electronic prescriptions for controlled substances and shall register the prescribed electronic prescribing computer application that will be used with the New York State Department of Health (Department), Bureau of Narcotic Enforcement. The Federal security requirements for EPCS are included in the Drug Enforcement Administration System Final Rule, 21 CFR 301.66-67 (e), and can be accessed via the following link: <http://www.fda.gov/oc/2013/03/20130320.html>.

To issue electronic prescriptions in compliance with New York State rules and regulations, this registration and attestation must be completed. The attestation herein cannot be completed unless Federal requirements have been met, including identification of the prescriber and receipt of prescriber authentication. Please return the completed Practitioner EPCS Registration form and attestation to the email address provided below. A copy of your DEA certification or third party audit approving your electronic prescribing software application must be available for inspection by Department personnel.

Practitioner Name: _____
*A Physician's Assistant must attach a list of their Supervising Physician(s) with their corresponding NYE license number and DEA registration number.

NYE License Number: _____ DEA Number for NYE: _____

Practitioner Email Address: _____

Practitioner Telephone Number: _____

Name of Certified E-prescribing Software Application: _____ Software Version Certified: _____

Name of Software Application Provider (Company Name): _____

Attestation: I confirm that I have received a DEA certification or third party audit that the electronic prescribing software application I intend to use meets Federal security requirements for issuing electronic prescriptions for controlled substances. I have met all Federal security requirements, including identity proofing and receipt of two-factor authentication as required for Electronic Prescribing of Controlled Substances.

I do assume responsibility for any issues which render the software application non-compliant with Federal regulations or EPCS which for a different software application. I will not use the application to issue electronic prescriptions for controlled substances until all Federal requirements are met and the application has been registered. When the software is once again compliant, I will register the new certification with the Bureau of Narcotic Enforcement.

Practitioner Signature: _____ Date: ____/____/____

Print Name: _____

Please email the completed form to narcotic@health.state.ny.us with "Practitioner EPCS Registration" in the subject line.

NYSDOH Bureau of Narcotic Enforcement
Practitioner EPCS Registration
Registration Center
150 Broadway
Albany, NY 12244

https://www.health.ny.gov/professionals/narcotic/electronic_prescribing/practitioner_epcs_letter.htm

Exceptions to the Mandate

- ▶ Electronic prescribing is not available due to temporary technological or electronic failure.
- ▶ Prescriber has a waiver granted by the New York State Commissioner of Health.
- ▶ Prescriber reasonably determines that it would be impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner.
- ▶ Prescription will be dispensed at a pharmacy located outside New York State.



Waiver Process NEEDS TO BE APPLIED FOR

- ▶ Department of Health may grant waivers for renewable periods of up to one year.
- ▶ Bases for waiver requests:
 - ▶ economic hardship;
 - ▶ technological limitations that are not reasonably within the control of the practitioner; or
 - ▶ other exceptional circumstance demonstrated by the practitioner.



FREQUENTLY ASKED QUESTIONS

Question #1

Can I send a fax Rx?

- ▶ *An Rx that is faxed is NOT an electronic prescription.*



Question #2

Do I need to E-Rx for compound creams?

- ▶ BNE is aware that there may be system limitations due to the National Council for Prescription Drug Program (NCPDP) script standard. Please monitor BNE's webpage for more information.

Question #3

What happens if my software no longer meets Federal security requirements?

- ▶ If your EPCS software application no longer meets Federal security requirements, your software shall **NOT** be used to process electronic prescriptions for controlled substances until your software is in compliance with DEA requirements and you re-register the software application with BNE.
- ▶ Both the EHR certification and your certifications need to be renewed every 2 years.

More Questions?

- ▶ EPCS Frequently Asked Questions from the Bureau of Narcotic Enforcement:

http://www.health.ny.gov/professionals/narcotic/electronic_prescribing/docs/epcs_faqs.pdf