

Electronic Prescribing Of Controlled Substances (EPCS)

Requirement Information For The January 1, 2023 Deadline

April 14, 2022 - This communication provides information related to the Electronic Prescribing of Controlled Substances (EPCS) requirement for Medicare Part D prescribers as defined under H.R.6 - Section 2003 of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment ([SUPPORT](#)) for Patients and Communities Act. This requirement takes effect on January 1, 2023. Please note that prescribers in long-term care facilities have until January 1, 2025 due to their unique circumstances.

Overview Of New Requirement

The 2022 Physician Fee Schedule [final rule](#) provided details regarding the implementation and timelines for compliance with the EPCS statutory mandate of the SUPPORT Act. Under the Act, Congress mandated that all Medicare Part D prescribers must use electronic prescribing capabilities for all Schedule II, III, IV, and V controlled substances.

The statute provides the Secretary discretion on the administration of this mandate, which CMS defined through rulemaking in the 2021 and 2022 Physician Fee Schedules. Prescribers must electronically prescribe at least 70 percent of their Part D controlled substance prescriptions starting January 1, 2023, unless they meet one of the exclusions. In addition to the following exclusions, prescribers may also request a waiver as noted below.

- The prescriber and dispensing pharmacy are the same entity;
- The prescriber issues 100 or fewer controlled substance prescriptions for Part D drugs per calendar year; and
- The prescriber is in the geographic area of an emergency or disaster declared by a federal, state, or local government entity, or
- The prescriber has been granted a CMS-approved waiver based on extraordinary circumstances beyond their control, which prevents them from being able to electronically prescribe controlled substances, such as technological failures or cybersecurity attacks or other emergencies.

For the 2023 mandate, CMS has indicated that compliance actions for non-adherence shall be limited to a compliance letter being sent to the prescriber. The letters will include a notification to the prescribers that they are violating the EPCS requirement, information on how to become compliant, benefits of EPCS, solicitation as to why they are not conducting EPCS, and a link to the CMS portal to request a waiver. CMS's intent is to not overburden prescribers during the public health emergency. However, CMS has signaled a willingness to implement further compliance actions in future rulemaking based on prescriber compliance. This includes reviewing the effects of penalties on EPCS non-compliant prescribers in other states before determining an exact penalty to impose in the future.

Note: This information is based on what we know today and is subject to change.

Preparing For EPCS

MEDITECH M tasks titled “EPCS Requirement: January, 2023” have been opened for all U.S. customers to notify your organization of the upcoming requirement. Your organization should take the following steps:

1. If you are currently e-Prescribing, determine if you have implemented EPCS with DrFirst. MEDITECH recommends using your e-Prescribing features every time you order controlled substances. You may close the M task and further questions can be directed to your eRX specialist..
2. If you are e-Prescribing but do not have EPCS enabled, you will need to open an eRX task and connect with your DrFirst Account Manager to begin the implementation process. Once your eRX task is open, you may close the M task.
3. If you are a prescriber, and have not yet implemented e-Prescribing, you will need to contact your MEDITECH sales representative no later than June 30, 2022 to add DrFirst to your license.
4. If you have further questions about these requirements or implementing EPCS at your facility, please contact your eRX specialist.

Resources

- [CMS E-Prescribing](#)

Questions

Please use your M task titled “EPCS Requirement: January, 2023” for questions. If you are unable to locate your M task, please contact the [Regulatory Mailbox](#).