Mandatory Electronic Prescribing Update

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NYS Department of Health
Bureau of Narcotic Enforcement

November 9, 2016
Paper and Electronic Prescribing
Background & Timeline
2012—Prescription Drug Reform Act

- Changes to the existing NYS Prescription Monitoring Program
- Controlled Substance Schedule Changes
- Mandated E-prescribing: Controlled and Non-controlled Substances
2012—Prescription Drug Reform Act

• Established a Workgroup

• Safe Disposal Program

• **This bill passed both houses unanimously**
NYS Official Prescription Program

• NY issues Official New York State Prescription forms (ONYSRx) to all registered practitioners within the State
• Contain a number of security features
• Serial numbers can be tracked
• Information is included in BNE reports
• From 2006-2015 issued ~1.6 B prescription forms
• Cost of approximately $85 M
Mandatory Electronic Prescribing Timeline

I-STOP Law Requiring E-prescribing
Signed August 27, 2012

Title 10, Part 80 E-prescribing Rules Submitted for Public Comment
December 31, 2012

Title 10, Part 80 E-prescribing Rules Effective
March 27, 2013
Mandatory Electronic Prescribing Timeline

- E-prescribing Rule Effective 3/27/2015
- 1 Year Legislative Reprieve from Mandate
- New Mandatory E-prescribing Effective Date 3/27/2016
The Electronic Prescribing Rule
The E-Prescribing Mandate

No person shall issue any prescription in this state unless such prescription is made by electronic prescription from the person issuing the prescription to a pharmacy… EXCEPT
Electronic Prescribing Exceptions

• Technological or electrical failure
• Use of electronic prescribing would impact the patient’s medical condition (up to 5 day supply)
• Issued by a practitioner to be dispensed outside of New York State
• Veterinarians

• Practitioners who have received a waiver from the Department of Health
Reaction to the Mandate

• Quiet at first—reaction ramped up at about the 1 year out mark (March 2014)

• Practitioners
  – I can’t do this
  – What software do I use
  – I’m retiring because of this mandate
Reaction to the Mandate

• Facilities
  – System wide integrations, implementations and deployments
  – Knew their practitioners would not be ready
  – Waivers

• Nursing Homes
  – Did not want to change their business model

• Pharmacies were ready
E-Prescribing
Next Steps
E-Prescribing—Next Steps

- Review, review and review of the federal rule
  
  - How did the federal rule compare to existing rules in NYS, security needs?
  
  - Decision making: what would change, in-state vs. out of state, what would be acceptable, select a single software product, registration of software??
Next Steps

• Development of regulations
  – Promulgated without a hitch 3/27/13
  – Statute effective 2 years after promulgation (3/27/15)

• Development of outreach materials
  (patient centered & practitioner centered), FAQs, live presentations, webinars

• Development of an on-line and paper process for registration of software
Next Steps

• **Requirements**—certified software application that meets the DEA Electronic Prescribing for Controlled Substances (EPCS) rule for controlled substance prescriptions

• **Research**
  – Find our partners—Board of Pharmacy, State Medicaid, professional organizations
  – Software available- Buyer beware
  – Pharmacy readiness
  – Practitioner readiness
  – Other State agencies
Next Steps

- Development of a waiver:
  - Process, including review of waivers
  - Form: single practices, group practices and facilities
  - Electronic application
  - Criteria
Waivers and Other Considerations
Waivers

• Legislation required practitioners to obtain their waivers
  – Practitioners in facilities: how to handle

• Used statute as a basis
  – Economic issues
  – Technological issues
  – Other exceptional circumstances
Waivers

- Location specific
- Paper process
- Online process
- Criteria set for approving, denying or requesting additional information
  - Practitioners wanted this info
  - Other entities that “helped”

- Waiver review process implemented late December 2015

- Heavy activity
  - Currently about 6,200 waivers for almost 38,000 practitioners
Electronic Prescribing—NYS Commissioner’s Blanket Waiver Letter

- Blanket waiver for primarily software functionality issues
  - Compounding
  - Long or complicated directions
  - Rxs where the FDA requires certain elements
  - Expedited partner therapy
  - Opioid antagonists
  - Nursing homes
Exceptions

- Practitioner must notify the Bureau of Narcotic Enforcement when a paper or oral prescription was issued
  - Technological or electrical issue
  - Impractical for a patient and would impact a patient’s health (limited to a 5 day supply)
  - Issued to a patient to be dispensed out of state
Electronic Prescribing Readiness
Electronic Prescribing Readiness

NY Pharmacy Status
November 2014 data

- % EPCS Pharmacies Enabled: 65.56%
- EPCS Pharmacies Enabled: 2,698
- Active eRx Pharmacies: 4,577
- % Active eRx Pharmacies: 94.3%
- EPCS Transactions: 8,111
- # of Counties with Enabled Pharmacies: 60
- Total # of Counties: 62

NY Provider Status
November 2014 data

- % Providers EPCS Enabled: 1.69%
- EPCS Providers Enabled: 943
- Active eRx Providers: 44,664
- % Active eRx Providers: 79.79%
- EPCS Transactions: 8,111
- # of Counties with Enabled Providers: 39
- Total # of Counties: 62
# NY EPCS Prescriber and Pharmacy Enablement Status - December 2015

## Prescriber Status

<table>
<thead>
<tr>
<th>State</th>
<th>Total Prescribers (T)</th>
<th>Active E-Prescribers (T)</th>
<th>Active E-Prescribers EPCS Enabled (T)</th>
<th>% Active E-Prescribers</th>
<th>% EPCS Enabled Prescribers</th>
<th>Total New Rx (T)</th>
<th>EPCS Transactions (T)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NY</td>
<td>100,996</td>
<td>58,709</td>
<td>27,381</td>
<td>57.1%</td>
<td>27.1%</td>
<td>9,263,744</td>
<td>630,434</td>
</tr>
<tr>
<td>National</td>
<td>1,217,317</td>
<td>697,384</td>
<td>78,167</td>
<td>57.2%</td>
<td>5.7%</td>
<td>113,760,227</td>
<td>1,911,285</td>
</tr>
</tbody>
</table>

- 27.1% of active prescribers are EPCS enabled
- 27,381 active e-prescribers who are now EPCS enabled

### Methodology:

1. Total Prescribers: total prescribers in both acute and ambulatory settings based on Enclarity data excluding DENTISTS. Prescribers licensed in multiple states only counted once towards National total.
2. Active E-Prescribers: prescribers that have sent e-prescriptions to pharmacies in the last 30 days using their EHR software applications.
3. Active E-Prescribers EPCS Enabled: prescribers who use an EHR software that is EPCS certified and audit approved. These prescribers may not yet be sending EPCS transactions, but have sent an e-prescription in the past 30 days.
4. Total New Rx and EPCS Transactions: Surescripts network transactions in the current month from all prescriber settings.

## Pharmacy Status

<table>
<thead>
<tr>
<th>State</th>
<th>Total Pharmacies (T)</th>
<th>Active eRx Pharmacies (T)</th>
<th>EPCS Enabled Pharmacies (T)</th>
<th>% eRx Active Pharmacies</th>
<th>% EPCS Enabled Pharmacies</th>
<th>Total New Rx (T)</th>
<th>EPCS Transactions (T)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NY</td>
<td>4,504</td>
<td>4,022</td>
<td>4,471</td>
<td>96.2%</td>
<td>93.1%</td>
<td>5,263,744</td>
<td>630,434</td>
</tr>
<tr>
<td>National</td>
<td>64,216</td>
<td>61,277</td>
<td>52,513</td>
<td>95.4%</td>
<td>81.9%</td>
<td>113,760,227</td>
<td>1,911,285</td>
</tr>
</tbody>
</table>

- 93.1% of pharmacies are EPCS enabled
- 4,471 of 4,804 community pharmacies are EPCS enabled

### Methodology:

1. Total Pharmacies: total number of pharmacies in the country based on NCPDP data.
2. Active eRx Pharmacies: ready and processing e-prescriptions from prescribers applications.
3. EPCS Enabled Pharmacies: certified and audit approved software at prescriber, ready to receive EPCS transactions from prescribers, training may be needed.
4. Total New Rx and EPCS Transactions: Surescripts network transactions in the current month from all prescriber settings.
### NY EPCS Prescriber and Pharmacy Enablement Status - April 2016

#### Prescriber Status

<table>
<thead>
<tr>
<th>State</th>
<th>Total Prescribers (1)</th>
<th>Active E-Prescribers (2)</th>
<th>Active E-Prescribers EPICS Enabled (2)</th>
<th>% Active E-Prescribers</th>
<th>% EPICS Enabled Prescribers</th>
<th>Total New Rx (4)</th>
<th>EPCS Transactions (4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NY</td>
<td>152,942</td>
<td>60,301</td>
<td>97,704</td>
<td>63.0%</td>
<td>65.6%</td>
<td>13,444,467</td>
<td>1,504,667</td>
</tr>
<tr>
<td>National</td>
<td>1,223,074</td>
<td>738,890</td>
<td>124,454</td>
<td>80.4%</td>
<td>10.2%</td>
<td>118,365,083</td>
<td>3,331,703</td>
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</tbody>
</table>

#### % EPCS Prescriber Enablement By County

![Map showing percentage of EPCS prescriber enablement by county.]

- 46,546 e-prescribers have sent an EPCS transaction in the last 30 days

**Methodology:**

1. Total Prescribers: total prescribers in both acute and ambulatory settings based on Endiavor data excluding Dentists. Prescribers licensed in multiple states only counted once towards National total.
2. Active E-Prescribers: prescribers that have sent e-prescriptions to pharmacies over the Surescripts network in the last 30 days using their EHR software applications.
3. Active E-Prescribers EPICS Enabled: prescribers using an EHR software that is EPICS certified and audit approved. These prescribers may not yet be sending EPCS transactions, but have sent an e-prescription in the past 30 days.
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<thead>
<tr>
<th>State</th>
<th>Total Pharmacies (1)</th>
<th>Active eRx Pharmacies (2)</th>
<th>EPCS Enabled Pharmacies (2)</th>
<th>% eRx Active Pharmacies</th>
<th>% EPICS Enabled Pharmacies</th>
<th>Total New Rx (4)</th>
<th>EPCS Transactions (4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NY</td>
<td>4,083</td>
<td>4,092</td>
<td>4,047</td>
<td>99.1%</td>
<td>99.2%</td>
<td>13,444,467</td>
<td>1,504,667</td>
</tr>
<tr>
<td>National</td>
<td>85,300</td>
<td>62,035</td>
<td>54,736</td>
<td>95.0%</td>
<td>93.3%</td>
<td>118,365,083</td>
<td>3,331,703</td>
</tr>
</tbody>
</table>

#### % EPCS Pharmacy Enablement By County

![Map showing percentage of EPCS pharmacy enablement by county.]

- 95.2% of pharmacies are EPCS enabled
- 4,647 of 4,663 community pharmacies are EPCS enabled

**Methodology:**

1. Total Pharmacies: total number of pharmacies in the country based on NCPDP data.
2. Active eRx Pharmacies: ready and processing e-prescriptions from prescribers applications.
3. EPCS Enabled Pharmacies: certified and audit approved software at prescriber, ready to receive EPCS transactions from prescriber; training may be needed.
4. Total New Rx and EPCS Transactions: Surescripts network transactions in the current month from all prescriber settings.

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# NY EPCS Prescriber and Pharmacy Enablement Status - June 2016

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<tr>
<th>State</th>
<th>Total Prescribers (1)</th>
<th>Active E-Prescribers (2)</th>
<th>Active E-Prescribers EPCS Enabled (3)</th>
<th>% Active E-Prescribers</th>
<th>% EPCS Enabled Prescribers</th>
<th>Total New Rx (4)</th>
<th>EPCS Transactions (4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NY</td>
<td>102,842</td>
<td>87,494</td>
<td>70,236</td>
<td>85.1%</td>
<td>68.3%</td>
<td>13,833,952</td>
<td>1,725,853</td>
</tr>
<tr>
<td>National</td>
<td>1,223,074</td>
<td>745,960</td>
<td>135,595</td>
<td>61.0%</td>
<td>11.1%</td>
<td>117,841,199</td>
<td>3,820,039</td>
</tr>
</tbody>
</table>

% EPCS Prescriber Enablement By County

- 50,478 e-prescribers have sent an EPCS transaction in the last 30 days

**Methodology:**

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<th>Total New Rx (4)</th>
<th>EPCS Transactions (4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NY</td>
<td>4,883</td>
<td>4,728</td>
<td>4,707</td>
<td>98.8%</td>
<td>98.4%</td>
<td>13,833,952</td>
<td>1,725,853</td>
</tr>
<tr>
<td>National</td>
<td>65,065</td>
<td>62,389</td>
<td>55,065</td>
<td>95.9%</td>
<td>95.9%</td>
<td>117,841,199</td>
<td>3,820,039</td>
</tr>
</tbody>
</table>

% EPCS Pharmacy Enablement By County

- 98.4% of pharmacies are EPCS enabled
- 4,707 of 4,883 community pharmacies are EPCS enabled

**Methodology:**

1. Total Pharmacies: total number of pharmacies in the country based on NCPDP data.
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4. Total New Rx and EPCS Transactions: Surescripts network transactions in the current month from all prescriber settings.

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<table>
<thead>
<tr>
<th></th>
<th>Providers Actively E-Rxing</th>
<th>% Active</th>
<th>% EPCS Enabled</th>
<th>Pharmacies Actively Accepting E-Rxs</th>
<th>% Active</th>
<th>% EPCS Enabled</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 2014</td>
<td>44,424</td>
<td>79.8*</td>
<td>1.7</td>
<td>4,577</td>
<td>94.3</td>
<td>55.6</td>
</tr>
<tr>
<td>December 2015</td>
<td>58,709</td>
<td>58.1</td>
<td>27.1</td>
<td>4,622</td>
<td>96.2</td>
<td>93.1</td>
</tr>
<tr>
<td>April 2016</td>
<td>86,301</td>
<td>83.9</td>
<td>65.8</td>
<td>4,647</td>
<td>96.1</td>
<td>95.2</td>
</tr>
<tr>
<td>June 2016</td>
<td>87,494</td>
<td>85.1</td>
<td>68.3</td>
<td>4,728</td>
<td>96.8</td>
<td>96.4</td>
</tr>
</tbody>
</table>

Data from SureScripts

*Approximately 100,000 practitioners, most likely closer to 45%
Implementation of the E-Prescribing Mandate
Legislative Solutions

• One year reprieve—new effective date 3/27/2016

• BNE was ready, but it gave us more time for outreach and full development of a sophisticated waiver process
Implementation of the Mandate

- Implementation was 3 ½ years after signing into law
- Development of an online registration process for certified software; **not** a certification process
- Phone Calls
- Emails
- Waivers: practitioner panic, under what circumstances would they be approved or denied
- **Certification legislation proposed and passed**
Phone Call Volume

BNE Phone Call Volume

Implementation Date
Sunday, 3/27/16
Mandatory Electronic Prescribing Waivers

- A paper and online waiver process has been developed and implemented.
- This process requires manual review of all applications.
- Over 6,200 waivers for approximately 19,000 practitioners have been reviewed since late December 2015 through September 30, 2016.
Mandatory Electronic Prescribing Certification Program

• In addition, as a result of 2016-17 budget legislation, BNE was required to stand up a practitioner certification process whereby practitioners are exempt from e-prescribing if they certify that they will not write more than 25 paper prescriptions in a year.

• BNE and ITS staff developed an online program for the certification process. **Over 627 certifications have been received.**

• There has been no increase in staffing for this program.
Electronic Prescribing Wrap-Up

- In NYS, as of September 2016, over 90,280 of 102,842 practitioners are actively e-prescribing
- 73,226 prescribers are EPCS enabled

E-prescribing records for controlled substances

- March 2015—15,774 e-rxs
- March 2016—983,939 e-rxs
- June 2016—1,571,843 e-rxs
  - 335,242 paper prescriptions
- July 2016—1,486,818 e-rxs
  - 300,578 paper prescriptions
- September 2016—1,562,527
  - 271,979 paper prescriptions
Electronic Prescribing Wrap Up

• In June 2016, EPCS in NY accounted for almost half of the EPCS in the nation

• NY accounted for 13,833,952 of the 117,841,199 new electronic prescriptions in the nation or almost 12%

• NY leads the nation in the number of prescriptions that are electronically prescribed
Number of Prescriptions Ordered and Shipped
(SFY 16-17 extrapolated based on 4 mo 2016 data)
Realities—What We Learned

- Reach out to organizations early to determine readiness
- Develop and continue to develop FAQs
- Communicate, communicate, communicate
- Don’t start the waiver process too soon; ensure staffing
- Have a call center appropriately staffed
- Be mindful of proposed legislation
Realities—What We Learned

• Not all practitioners are created equal
  – Large enterprise systems affected
  – Single and group practitioners
  – Old and retired practitioners
  – Practitioners with their head in the sand
Realities—What We Learned

• Other systems/players to be aware of
  – NCPDP
  – Stakeholders

• Standards
  – Not quite ready to handle all the intricacies of mandatory electronic prescribing, especially for Electronic Prescribing of Controlled Substances—forwarding or re-routing of a transmitted prescription
Bureau of Narcotic Enforcement

www.nyhealth.gov

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Albany, NY 12204
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E-mail: narcotic@health.state.ny.us

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NYC: (212) 417-4103
Buffalo: (716) 847-4532
Syracuse: (315) 477-8459
Rochester: (585) 423-8043