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OBJECTIVES

• Define e-prescribing and requirements for compliance with CA regulations on e-prescribing
• Review benefits, potential risks, and best practices associated with e-prescribing
• Discuss features of e-prescribing systems and questions for e-prescribing system vendors
• Apply risk management strategies to reduce the potential liability when e-prescribing and using electronic health records
CALIFORNIA REGULATION ON E-PRESCRIBING

California Law (AB 2789)

- Effective January 2022
- All prescribers now required to use e-prescribing for all prescriptions unless they qualify for an exemption
REQUIREMENTS - CALIFORNIA LAW ON E-PRESCRIBING

Healthcare practitioners authorized to issue prescriptions:

• Capability to transmit electronic data transmission prescriptions

• Prescriptions issued as an electronic data transmission prescription
  • Unless specified exceptions are met

• Electronic data transmission prescription to pharmacy
  • Selected by the patient

• Compliance with Title 21 of the Code of Federal Regulations for controlled substances
REQUIREMENTS - CALIFORNIA LAW ON E-PRESCRIBING

Pharmacies:

• Capability to receive those transmissions

• Immediate notification of prescriber if electronic data transmission prescription:
  • Fails
  • Is incomplete
  • Not appropriately received

• Transfer or forward the prescription to another pharmacy
  • At patient request
NON-COMPLIANCE - CALIFORNIA LAW ON E-PRESCRIBING

Failure to meet the applicable requirements:

• Referral to the appropriate state professional licensing board

• Solely for administrative sanctions
EXCEPTIONS

- Temporary technological or electrical failure
- Federal or state law prohibits electronic prescribing
- Prescribing out of state
- Electronic prescribing would not be timely
- Delay would adversely impact patient’s medical condition
EXCEPTIONS

• Prescriptions issued by hospital, ED, Urgent Care clinic under the following conditions:
  • Patient resides outside California
  • Patient resides outside geographic area of hospital
  • The patient is homeless/indigent and does not have a preferred pharmacy
  • Patients' pharmacy is likely to be closed

• Prescriptions not covered under National Council for Prescription Drug Programs’ SCRIPT standard
DEFINITION: E-PRESCRIBING = ELECTRONIC PRESCRIPTION

Yes

• Generated on an electronic prescribing system
• Sent by electronic transmission to a pharmacy without alteration of the prescription information

NO

• E-mailed prescription
• Faxed prescription
• Inpatient medication orders
E-PRESCRIBING BENEFITS

• Minimize medication errors
• Integrate prescription records directly into the patient’s electronic health record
• Improve prescription accuracy, standardization and safety
• Reduce prescription theft and forgery
• Reduce medical errors and improve quality outcomes
• Increase efficiency at practice level
• Improve patient satisfaction
WHAT DOES THIS MEAN FOR ME?
WHAT’S NEEDED – E-PRESCRIBING

• Electronic Health Records (eHR)
• Check with your eHR vendor to see if you can add e-prescribing
• If yes:
  • Confirm it includes electronic prescription for controlled substances (EPCS)
  • Confirm it includes other state-specific requirements
• If no:
  • Need stand-alone e-prescribing application
WHAT NEEDED – E-PRESCRIBING

• Paper Records and/or No Electronic Health Record System
• Research and implement eHR system with integrated prescribing module
• Obtain stand-alone e-prescribing application
ELECTRONIC HEALTH RECORD SYSTEM WITH INTEGRATED PRESCRIBING MODULE

Benefits:

• Access to all patient data
  • Diagnosis
  • Labs
  • Notes

• Greater access to decision support tools
  • Lab reminders
STAND ALONE E-PRESCRIBING SYSTEMS

• Less expensive
• Possibly easier to implement
• Store and manage prescription data
• Interface with medication history, allergies, etc.
• Types of software:
  • Software downloaded to office computer
  • Internet access for mobile devices
  • Web applications
FEATURES FOR E-PRESCRIBING SYSTEMS

- Review of current medications and medication history
- Work with existing medication
- Prescribe or add new medication
- Complete the prescription
- Electronically authorize (sign off) prescriptions
- Transmit the prescription
QUESTIONS FOR E-PRESCRIBING SYSTEM VENDORS

• Functionality
• Related functions
  • Screening PDMP
  • Interoperability
• Hardware/Architecture
  • Compliance with HIPAA
  • Error detection
• Services
  • Training
  • Customer Support
• Costs
  • Initial
  • Ongoing
PATIENT NOTIFICATION OF REQUIREMENTS

- Practice Policies
- Consent to Treat
- Notice of Privacy Practice
  - Entire medication history accessed when e-prescribing
- Unable to opt out
  - E-prescribing will be mandatory in CA
E-PRESCRIBING RISKS/CAUTIONS

• Verify that e-prescribing software functionality includes prescribing controlled substances

• Ensure Business Associate Agreement

• Costs
  • Initial
  • Ongoing

• Vendor may sell de-identified data
  • Your data
  • Patient data
E-PRESCRIBING CONSIDERATIONS

- Staff education and training
- Identify features to meet YOUR practice needs
- Determine if need for module for prescribing controlled substances
- Security and access control
- Vendor training and support
- Attorney contract review
- Obtain Business Associate Agreement (BAA)
**BEST PRACTICES**

- Do not destroy your paper prescription forms
  - E-prescribing may not available due to temporary technical or electrical failure
  - May be impractical for patient
  - Need for prescriptions for out of state pharmacy
  - DEA requirement

- Do not rely solely on e-prescribing system medication history
  - Typically records only prescriptions filled using insurance
  - Check the Controlled Substance Utilization Review and Evaluation System (CURES)
BEST PRACTICES FOR MONITORING

• Accurate data entry
  • Pharmacy selection
  • Populating e-prescribing systems with patients’ identifying information

• Electronic safeguards to protect PHI

• Process for cancelling and transferring electronic prescriptions from one pharmacy to another
BENEFITS OF ELECTRONIC HEALTH RECORDS

• Active medication lists and medication allergy lists
• Automatic alerts
  • Drug/drug and drug/allergy interactions
  • Contraindicated medications
  • Additional alerts
• Facilitates medication reconciliation
• E-prescribing
FINAL THOUGHTS

• Check eHR functionality for e-prescribing feature
• Research e-prescribing software vendors for stand-alone system if paper charts
• Plan for implementation of the e-prescribing system
• Obtain legal counsel
• START NOW
RESOURCES

  


- E-Prescribing. Center for Medicare and Medicaid Services. E-Prescribing | CMS

QUESTIONS?

AFTER THE PRESENTATION, PLEASE DIRECT ADDITIONAL QUESTIONS TO ADRIENNE DAVIS AT ADAVIS@PESC.COM WHO WILL FORWARD THEM TO THE AWAC RISK MANAGEMENT TEAM FOR FOLLOW-UP.
QUESTIONS?

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