

Electronic Prescribing Clarifications

Electronic Prescribing Mandate

Pursuant to Public Law, Chapter 488, *An Act to Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program*, practitioners are mandated to electronically prescribe opioid medications. However, there are limited exceptions in which a practitioner may issue a written, oral or faxed prescription.

A pharmacist is **NOT** required to verify that a practitioner has a waiver of the requirement to electronically prescribe or properly falls under one of the other exceptions from the requirement to electronically prescribe. Pharmacists may continue to dispense medications from otherwise **valid** written, oral or fax prescriptions that are consistent with current laws and regulations.

The Department will be conducting periodic audits. If a prescriber is identified as repeatedly submitting written prescriptions to a pharmacy, that provider may be at risk for professional discipline.

Exceptional Circumstances (*Written prescription may be most appropriate option*)

- Temporary technological failure
- Temporary electrical failure
- A SAMHS PMP approved e-prescribing waiver
- The practitioner reasonably determines that it would be impractical for the patient to obtain the medication in a timely manner, and such delay would adversely impact the patient's medical condition.
- To be dispensed by a pharmacy located outside the state.
- To be dispensed by a VA or IHS pharmacy.

Frequently Asked Questions

What should I do if the system goes down and I am unable to transmit an electronic prescription?

In circumstances when your EMR is down, a written prescription should be issued. It is recommended that, if possible, you print the prescription from your EMR and sign. However, if the system is down completely, a written prescription should be issued and documentation on the patient's chart that a prescription was written and why.

What if I am prescribing for a patient with a foreign address?

In most cases it is not possible to issue an electronic prescription for patients with a foreign address. In these circumstances, the prescription should be prepared in your EMR and printed.

What should I do if transmission fails?

If the transmission fails you should print the prescription and sign it. Most systems will generate verbiage indicating a failed transmission on the printed script.

Are any specific fields or specialties excluded from the requirement to electronically prescribe?

No. All practitioners are required to issue electronic prescriptions for opioid medications unless granted a waiver or meet the criteria for any of the listed exceptional circumstances.

(The Veteran's Administration and IHS' prescribers and pharmacies are exempt as they are federally regulated. Out-of-state pharmacies and prescribers are also exempt as they are not State regulated.)

I work at a long-term care facility/nursing home/hospice care facility. Am I exempt from the requirement to electronically prescribe?

No. There is no long-term care facility exception to the e-prescribing mandate. However, per DEA guidelines, schedule II prescriptions may be transmitted via facsimile to the dispensing pharmacy by the above-mentioned facilities. The facsimile prescription serves as the original written prescription for the pharmacy.

What if my patient is homeless and does not have an address?

It is recommended that you enter any possible address for homeless individuals (shelter, street name, etc.), but if no address is available, a written prescription may be issued.

What if my patient's prescription will be dispensed out-of-state?

You may or may not be able to electronically prescribe to an out-of-state pharmacy depending on the laws of that state. It is recommended that you check with the out-of-state pharmacy regarding their electronic prescription capabilities.

I am not licensed or practicing in Maine, but have a patient who uses a pharmacy in Maine. Do I have to electronically prescribe opioid prescriptions?

Practitioners who are not practicing in Maine are not required to electronically prescribe opioid medications. You must follow your state's laws and regulations.

Is a pharmacist who is presented with a written prescription after August 1, 2017 required to verify that the practitioner properly falls under one of the exceptions from the requirement to electronically prescribe?

No, however, a corresponding liability for the proper prescribing and dispensing of controlled substances rests with the pharmacist who fills the prescription.

I am already exempt from the requirement to check the PMP. Am I exempt from electronic prescribing as well?

No. Pursuant to Public Law, Chapter 488, all practitioners must electronically prescribe opioid medications. You may apply for a waiver from the requirement to electronically prescribe. More information can be found on the PMP website: <http://www.maine.gov/dhhs/samhs/osa/data/pmp/e-prescribing.htm>

How do I check the status of my e-prescribing waiver?

The PMP team will respond to your request for waiver within 60 days of receipt. You will not be penalized for non-compliance to the e-prescribing mandate while your application is being reviewed.

Due to the volume of applications received and to process and respond to application requests as quickly as possible, we ask that you please do not contact the PMP team regarding waiver status inquiries. The PMP team will not respond to waiver status inquiries. You will be contacted directly if additional information is needed to process your application. You will be notified, in writing, within 60 days of receipt of the office's determination.