

New E-Prescribing Regulations



As a provider or pharmacist, you should be aware of the new Delaware Electronic Prescribing law, which will change how medications, including controlled substances, are prescribed for patients. Delaware is transitioning from written to electronic prescriptions. This fact sheet offers you a synopsis of the e-prescribing requirements, but it does not cover every aspect, nor does it serve as legal advice. Please review this preliminary information carefully.

NEW PRESCRIBING REGULATIONS

Electronic prescribing, or e-prescribing, is growing rapidly, not just because the technology has improved, but because of the substantial benefits for patients and providers. A new law requiring e-prescribing in Delaware takes effect on January 1, 2021. New Delaware and federal legislation will require e-prescribing, with some exceptions, starting January 1, 2021. The federal Substance Use-Disorder Prevention That Promotes Opioid Recovery and Treatment for Patients and Communities Act was signed into law October 24, 2018, and mandates e-prescribing for all controlled substances covered under Medicare Part D, with a few exceptions. In Delaware, House Bill 115 was signed into law June 27, 2019, which expands this requirement to all prescriptions, with certain exceptions.

Does this parallel the timing with Medicare federal mandate? Are there exceptions or exclusions that prescribers can utilize to opt out?

Yes, HB115 does mandate e-prescribing on 1/21. This does parallel with the Federal mandate for all Medicaid and Medicare patients. There are several exceptions delineated in the statute.

Below lists some of the Exceptions:

- 18 (2) issued in circumstances where electronic prescribing is not available due to temporary technological or
- 19 electrical failure, as set forth in regulation established by the Board.
- 31 (8) issued by a practitioner prescribing a drug under a research protocol.
- 32 (9) issued by practitioners who have received a waiver or a renewal thereof for a specified period determined
- 33 by the Board, not to exceed one year, from the requirement to use electronic prescribing, pursuant to regulations
- 34 established by the Board, due to economic hardship, technological limitations that are not reasonably within the control
- 35 of the practitioner, or other exceptional circumstance demonstrated by the practitioner.
- 36 (10) issued by a practitioner under circumstances where, notwithstanding the practitioner's present ability to
- 37 make an electronic prescription as required by this subsection, such practitioner reasonably determines that it would be
- 38 impractical for the patient to obtain substances prescribed by electronic prescription in a timely manner, and such delay
- 39 would adversely impact the patient's medical condition.

(To see the full list of exceptions please visit the link for the full copy of the HB115 <https://tinyurl.com/DELHB115>)

Do I need to install new software for e-prescribing?

Practices already e-prescribing non-controlled medications will need to work with their specific software vendor to enable e-prescribing of controlled substances.

BENEFITS OF E-PRESCRIBING

Prescribing controlled substances electronically offers many benefits for patients, providers, and the health care system. All these factors will reduce provider burden and create a safer environment for patients. Some of the benefits of e-prescribing of controlled substances include:

- Enhanced patient safety
- Improved accuracy
- Reduced fraud and drug diversion
- Reduced drug misuse and abuse
- Improved workflow efficiencies