

IMPORTANT NOTICE

Mandatory Electronic Prescribing Goes into Effect on March 27, 2015

Effective March 27, 2015 it will be mandatory for practitioners, excluding veterinarians, to issue electronic prescriptions for **controlled and non-controlled substances**.

Please note, it is currently permissible in New York State to electronically prescribe controlled substances (EPCS) in Schedules II through V, in addition to non-controlled substances. However, in order to process electronic prescriptions for controlled substances, a practitioner must use an electronic prescribing computer application that meets all federal requirements and must register the certified electronic prescribing computer application with the New York State Department of Health (DOH), Bureau of Narcotic Enforcement (BNE). For additional information regarding the federal security requirements for EPCS, please visit the Drug Enforcement Administration's web page at http://www.deadiversion.usdoj.gov/ecomm/e_rx/. For information regarding the Department of Health's registration process for certified electronic prescribing computer applications, please visit www.nyhealth.gov/professionals/narcotic.

After March 27, 2015, practitioners may still use the Official New York State Prescription forms in the event of a power outage or technological failure.

Should you have any questions regarding the mandate to issue electronic prescriptions for controlled substances, please contact the Bureau of Narcotic Enforcement at narcotic@health.state.ny.us or call us at 1-866-811-7957, Option 1.

Nirav R. Shah, M.D., M.P.H.
Commissioner

NEW YORK
state department of
HEALTH

Sue Kelly
Executive Deputy Commissioner

Dear Practitioner:

Effective March 27, 2013, amendments to Title 10 NYCRR Part 80 Rules and Regulations on Controlled Substances authorizes a practitioner in New York State to issue an electronic prescription for controlled substances in Schedules II through V. For electronic prescribing of controlled substances (EPCS), the regulations require a practitioner to register their certified electronic prescribing computer application with the New York State Department of Health, Bureau of Narcotic Enforcement (BNE). To register your computer application with BNE, please complete the enclosed EPCS Registration form and email it to narcotic@health.state.ny.us with "Practitioner EPCS Registration" in the subject line.

Practitioners must also meet the federal security requirements for EPCS as detailed in the Drug Enforcement Administration's Electronic Prescriptions for Controlled Substances Interim Final Rule.

Please note as of March 27, 2015, electronic prescribing of controlled and non-controlled substances will be mandatory for practitioners, excluding veterinarians.

Questions regarding the EPCS registration form or process may be directed to BNE by emailing narcotic@health.state.ny.us or by calling 1-866-811-7957, Option 1.

Sincerely,



Terence J. O'Leary
Director
Bureau of Narcotic Enforcement

Practitioner EPCS Registration

Amendments to Title 10 NYCRR Part 80 Rules and Regulations on Controlled Substances, adopted on March 27, 2013, authorize a practitioner in New York State to issue an electronic prescription for controlled substances (EPCS) in Schedules II through V. The practitioner must comply with all other State and federal requirements for issuing a prescription for a controlled substance as specified in Article 33 of the Public Health Law, Title 10 of the NYCRR and Title 21 of the Code of Federal Regulations. Pursuant to 10 NYCRR §80.64(b), a practitioner shall use an electronic prescribing application that is consistent with federal requirements to process electronic prescriptions for controlled substances and shall register the certified electronic prescribing computer application that will be used with the New York State Department of Health (Department), Bureau of Narcotic Enforcement. The federal security requirements for EPCS are included in the Drug Enforcement Administration Interim Final Rule, 21 CFR §1300 et seq, and can be accessed via the following link: http://www.deadiversion.usdoj.gov/e-comm/e_rx/.

To issue electronic prescriptions in compliance with New York State rules and regulations, this registration and attestation must be completed. The attestation herein cannot be completed unless federal requirements have been met, including identity proofing of the practitioner and receipt of two-factor authentication. Please return the completed Practitioner EPCS Registration form and attestation to the email address provided below. A copy of your DEA certification or third party audit approving your electronic prescribing software application must be available for inspection by Department personnel.

Practitioner Name _____

**A Physician's Assistant must attach a list of their Supervising Physician(s) with their corresponding NYS license number and DEA registration number*

NYS License Number _____ DEA Number for NYS _____

Practitioner Email Address _____

Practitioner Telephone Number _____

Name of Certified E-prescribing Software Application _____ Software Version Certified _____

Name of Software Application Provider (Company Name) _____

Attestation: I affirm that I have received a DEA certification or third party audit that the electronic prescribing software application listed above meets federal security requirements for issuing electronic prescriptions for controlled substances. I have met all federal security requirements, including identity proofing and receipt of two-factor authentication as required for Electronic Prescribing of Controlled Substances.

If I become aware or am notified of any issues which render the software application non-compliant with federal regulations or if I switch to a different software application, I will not use the application to issue electronic prescriptions for controlled substances until all federal requirements are met and the application has been registered. When the software is once again compliant, I will register the new certification with the Bureau of Narcotic Enforcement.

Practitioner Signature _____ Date ____/____/____

Print Name _____

Please email the completed form to narcotic@health.state.ny.us with "Practitioner EPCS Registration" in the subject line.

NYSDOH/Bureau of Narcotic Enforcement
Practitioner EPCS Registration
Riverview Center
150 Broadway
Albany, NY 12204

Practitioner Electronic Prescribing of Controlled Substances (EPCS) FAQs

1. Why do I need to register with the Bureau of Narcotic Enforcement (BNE)? My software vendor already notified BNE.

Each individual practitioner, not the software vendor, is required by regulation to register their certified EPCS software application with BNE.

2. How do I fill out the registration form?

Complete all fields on the form. Below is a summary of each field and the information to be entered.

- a. Practitioner Name: Enter your first and last name in this field. If you are a Physician's Assistant, please attach a list of your Supervising Physician(s) with their corresponding NYS license number and DEA registration number.*
 - b. NYS License Number: Enter your New York State license number*
 - c. DEA Number for NYS: Enter each New York State DEA number that will be utilized to electronically prescribe controlled substances.*
 - d. Practitioner Email Address: Enter the practitioner's Email address.*
 - e. Practitioner Telephone Number: Phone number of the practitioner.*
 - f. Name of Certified E-prescribing Software Application: Name of the application you are using to electronically prescribe controlled substances. If you are not sure what the name of your software application is, contact your software application vendor.*
 - g. Software Version Certified: Version number of the EPCS application. If you are not sure what version you are currently using, contact your software application vendor.*
 - h. Name of Software Application Provider (Company Name): Name of the company (or corporation if you are not using a vendor) providing the certified EPCS software application.*
 - i. Practitioner Signature: Signature of the practitioner.*
 - j. Date: Date that the form was signed by the practitioner.*
 - k. Print Name: The practitioner's name should be printed in this field.*
3. How often do I have to register my certified EPCS software application with BNE?

The certified EPCS software application must be registered with BNE at least every two years from the date of DEA certification or third party audit or whenever functionality related to controlled substance prescription requirements is altered, whichever occurs first.

4. Can I register my certified EPCS software application before I've completed the identity proofing and obtained two-factor authentication?

No. Identity proofing must be completed and the practitioner must obtain two-factor authentication prior to registering the certified EPCS software application with BNE.

5. I work at more than one location and each location uses a different software application. Am I required to register each certified EPCS software application that I use?

Yes

6. Do you require a copy of the certification or third party audit to be submitted with the EPCS registration form?

A copy of the certification or third party audit is not required with the registration. A copy must be available for inspection by the Department of Health if requested.

7. I am a Physician's Assistant. Do I need to include my supervising physician's name on the registration form?

Yes. Please attach a list (excel file) of your Supervising Physician(s) with their corresponding NYS license number and DEA registration number with the signed EPCS registration form. A Physician's Assistant issuing electronic prescriptions for controlled substances must comply with all requirements of Article 33 of the Public Health Law and Part 80 of Title 10 Part 80 Rules and Regulations on Controlled Substances.

8. I work for a VA or federal installation. Do I need to register my certified EPCS software application with BNE?

Practitioners who practice in a VA or a federal installation do not fall under the jurisdiction of New York State.

9. Do I have to mail the hard-copy form back to BNE?

The completed form may be emailed to the BNE at narcotic@health.state.ny.us with EPCS Practitioner Registration in the subject line. Alternatively, the form may be faxed to BNE at 518-402-0709.

10. What should I do if my certified EPCS software application version is upgraded?

If you are notified of software version upgrades, you must re-register with BNE. It is incumbent on your software application provider to notify you of any changes.

11. What should I do if my certified EPCS software application changes?

If you change to a new certified EPCS software application, you must re-register with BNE.

12. What should I do if my software vendor changes?

If you are changing to a new software vendor, you must re-register with BNE.

13. What should I do if I am notified that the security of my certified EPCS software application is noncompliant with federal requirements?

*If your EPCS software application no longer meets federal security requirements, your software shall **NOT** be used to send electronic prescriptions for controlled substances until your software is in compliance with DEA requirements and you re-register the software application with BNE.*

14. What should I do if my credentials used to sign electronic prescriptions have been lost, stolen or compromised?

In addition to any federal requirements, practitioners must immediately notify BNE that his or her credentials have been compromised.

15. What should I do if I suspect or am notified of a security breach?

If there has been a security breach, electronic prescriptions for controlled substances may not be sent. You must notify the DEA and BNE. After security has been restored, you must re-register with BNE.

16. How do I know that the pharmacy has met the registration requirement with BNE?

BNE does not publish a list of practitioners or pharmacies who have registered their certified EPCS software applications with BNE. It is the responsibility of the pharmacist to register their certified EPCS software application with BNE. BNE will follow-up with pharmacies who have not registered.

17. I am not licensed or practicing in New York, but have a patient who uses a pharmacy in New York. Do I have to register with BNE to send electronic prescriptions for controlled substances to pharmacies in the state of New York?

Practitioners who are not practicing in New York State must follow their state's law and regulations.

18. Can I electronically prescribe a controlled substance to an out-of-state pharmacy?

You may or may not be able to depending upon the laws of that state. The pharmacy must dispense the prescription following the laws of the state in which the prescription is being dispensed.

19. I don't have a DEA number and don't prescribe controlled substances. Do I have to register my software application to electronically prescribe non-controlled substances?

Registration is only required for electronic prescribing of controlled substances.

20. What is the difference between the third party audit or certification required by the DEA and the registration that BNE requires?

Practitioners issuing electronic prescriptions for controlled substances must use a software application that meets all DEA (federal) security requirements, which includes a third party audit or DEA certification indicating that all federal requirements are met. The New York State Department of Health requires practitioners licensed in New York State issuing electronic prescriptions for controlled substances to register their certified EPCS software application with BNE.

21. I have questions regarding the DEA's federal requirements for EPCS. Where can I obtain this information?

You may visit the DEA's web page for additional information regarding federal security requirements; http://www.deadiversion.usdoj.gov/ecommm/e_rx/.

22. I have additional questions regarding BNE's EPCS registration process. Where can I obtain additional information?

BNE has a web page with additional information regarding electronic prescribing of controlled substances; http://www.health.ny.gov/professionals/narcotic/electronic_prescribing/

You may also email BNE at narcotic@health.state.ny.us