

FREQUENTLY ASKED QUESTIONS ABOUT

**MANDATORY PRESCRIBER
EDUCATION**

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**Department
of Health**

NEW YORK STATE DEPARTMENT OF HEALTH
Bureau of Narcotic Enforcement

1-866-811-7957
www.health.ny.gov/professionals/narcotic

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Laws and Regulations for Mandatory Prescriber Education:

Q1. What is the law on prescriber training?

A1. Pursuant to Public Health Law (PHL) §3309-a(3), prescribers licensed under Title Eight of the Education Law in New York to treat humans and who have a DEA registration number to prescribe controlled substances, as well as medical residents who prescribe controlled substances under a facility DEA registration number, must complete at least three (3) hours of course work or training in pain management, palliative care, and addiction. The course work or training must be completed by July 1, 2017, and once every three years thereafter.

Q2. Is the course work or training in pain management, palliative care and addiction mandatory?

A2. Yes, the course work or training in pain management, palliative care and addiction is mandatory for all prescribers licensed in New York who treat humans and have a DEA registration number to prescribe controlled substances, as well as medical residents who prescribe controlled substances under a facility's DEA registration number.

Q3. How many hours are required for the course work or training in pain management, palliative care and addiction?

A3. The prescriber must complete at least three hours of course work or training in pain management, palliative care, and addiction. As part of this training, the following eight (8) specific topic areas must be included in the course curriculum for which the practitioner is attesting:

- New York State and federal requirements for prescribing controlled substances
- Pain management
- Appropriate prescribing
- Managing acute pain
- Palliative medicine
- Prevention, screening, and signs of addiction
- Responses to abuse and addiction
- End of life care

Q4. Who is required to complete course work or training in pain management, palliative care, and addiction?

A4. **All prescribers licensed** in New York who treat humans and **have a DEA registration number** to prescribe controlled substances, as well as medical residents who have been issued a suffix under a facility DEA registration number, must complete at least three hours of course work or training in pain management, palliative care, and addiction whether you issue prescriptions for controlled substances or not.

By definition, veterinarians are excluded from this requirement. Veterinarians may have other educational or training requirements. For more information, please contact the New York State Education Department, Office of the Professions, State Board of Veterinary Medicine at vetmedbd@nysed.gov .

Q5. Are veterinarians licensed in New York and who have a DEA registration number to prescribe controlled substances required to complete course work or training in pain management, palliative care, and addiction?

A5. No, veterinarians licensed and who have a DEA registration number to prescribe controlled substances in New York are not required by PHL §3309-a to complete course work or training in pain management, palliative care, and addiction. Veterinarians may have other educational or training requirements. For more information, please contact the New York State Education Department, Office of the Professions, State Board of Veterinary Medicine at vetmedbd@nysed.gov .

Q6. Are only pain management or addiction treatment prescribers required to complete the mandatory pain management, palliative care and addiction education?

A6. No, all prescribers, excluding veterinarians, licensed in New York to treat humans and who have a DEA registration number to prescribe controlled substances, as well as medical residents who prescribe controlled substances under a facility's DEA registration number must complete at least three hours of course work or training in pain management, palliative care, and addiction.

Q7. Is a prescriber licensed in New York to treat humans, but who does not have a DEA registration number, required to complete the mandatory pain management, palliative care and addiction education?

A7. No, a prescriber licensed in New York to treat humans, but who does not retain a DEA registration, is not required to complete the mandatory pain management, palliative care and addiction education.

Q8. Is a prescriber licensed in New York to treat humans, who has a DEA registration number, but who does not currently practice in New York State, required to complete the mandatory pain management, palliative care and addiction education?

A8. Yes, a prescriber licensed in New York to treat humans, and who has a DEA registration number (regardless of the location for which the DEA registration was issued) who practices in another state, or not currently practicing in New York is required to complete the mandatory pain management, palliative care and addiction education.

Q9. What is required when a prescriber becomes licensed under Title Eight of the Education Law to treat humans and obtains a DEA registration number after July 1, 2017?

A9. Prescribers must complete the course work within one year of DEA registration and once within each three-year period thereafter.

Q10. What is required for a resident who begins a residency and prescribes controlled substances under a facility's DEA registration number after July 1, 2017?

A10. Residents who begin a residency and become authorized to prescribe controlled substances under a facility's DEA registration number on or after July 1, 2017, must complete the course work or training within one year of the residency start date and once within each three-year period thereafter. Attestation must be made by the facility.

Q11. Is a prescriber who does not prescribe controlled substances, but is licensed in New York under Title Eight of the Education Law to treat humans and who has a DEA registration number, required to complete course work or training in pain management, palliative care, and addiction?

A11. Yes, pursuant to PHL §3309-a(3), the prescriber who is licensed in New York under Title Eight of the Education Law to treat humans and who has a DEA registration number, is required to complete course work or training in pain management, palliative care, and addiction even though he or she elects not to prescribe controlled substances. A prescriber's particular volume of prescribing is not a factor in the applicability of the requirement.

Q12. Is a prescriber who is retired and does not treat patients or prescribe controlled substances, but has an active New York State license under Title Eight of the Education Law to treat humans and a DEA registration number, required to complete course work or training in pain management, palliative care, and addiction?

A12. Yes.

Q13. Do prescribers licensed in New York under Title Eight of the Education law to treat humans, but who retain a DEA registration outside of New York still need to take the required course work and attest?

A13. Yes, even if the DEA registration is not in New York, such a prescriber must meet the requirements of the mandatory education/training law.

Q14. Must prescribers licensed in New York under Title Eight of the Education law to treat humans, but who work in a VA Hospital, federal installation, or Indian Reservation and who have DEA registration numbers take the course work or training?

A14. Yes, the requirement is based on New York State licensure type and DEA registration status, not on practice location.

Q15. What topics must be included in the three hours of course work or training in pain management, palliative care, and addiction?

A15. Prescribers are required to complete course work or training in all of the following topics:

- New York State and federal requirements for prescribing controlled substances

- Pain management
- Appropriate prescribing
- Managing acute pain
- Palliative medicine
- Prevention, screening, and signs of addiction
- Responses to abuse and addiction
- End of life care

Q16. Do all eight topics need to be completed?

A16. Yes, all eight topics must be completed prior to attestation. The topics can be completed in a single presentation or in individual segments for a total of at least three hours.

Q17. Must all eight topics be covered in a single presentation?

A17. No, the eight mandatory topics can be completed in a single presentation or in multiple presentations, so long as they total at least three hours in cumulative length.

Q18. Must the mandatory course work or training in pain management, palliative care, and addiction be a live presentation?

A18. No, mandatory course work or training may be live, online or obtained from a publication or journal.

Q19. Can the mandatory course work or training in pain management, palliative care, and addiction count towards the continuing education required by the New York State Education Department (SED)?

A19. The mandatory course work or training in pain management, palliative care, and addiction requirement may possibly count towards the continuing education required for registration in your specific profession. Please reference the SED website <http://www.op.nysed.gov/prof/> for your specific profession.

Q20. Do each of the eight listed topics require a minimum amount of time to be approved?

A20. No, the applicable statute, PHL §3309-a, does not specify the amount of time necessary for each of the required individual eight topics.

Q21. How will the Department of Health (DOH) know the required course work or training has occurred?

A21. Prescribers must attest to the completion of a minimum three hours of course work or training in all eight topic areas. For more information on the prescriber's attestation, please read the questions and answers in the "Attestation (NEAT)" section below.

Q22. How often is a prescriber required to complete course work or training in pain management, palliative care, and addiction?

A22. A prescriber must complete course work or training in pain management, palliative care, and addiction every three years after the first attestation.

Q23. How long must the prescriber keep the documentation of completion of the mandatory course work or training in pain management, palliative care, and addiction, and what should this documentation include?

A23. The prescriber is required to keep documentation of completion of the course work or training for a minimum of six (6) years from the date of submission of the attestation, for audit purposes. The documentation must include the course title, provider, location (webinar, online, address), the number of hours of training/education, and date of completion of the program.

Q24. May a prescriber carry excess hours of course work or training to the next three-year cycle?

A24. No. The hours earned within a three-year cycle may only be used to fulfill the requirement for that cycle.

Accreditation:

Q25. Does the course work or training need to be accredited?

A25. Yes. Courses accredited for the continuing education of any licensees under Title Eight of the Education Law to treat humans, and which include any or all of the required topics, are approved for the number of hours for which they are accredited on the required topics. Accrediting organizations include, but are not limited to the following: ACCME, AOA, ADA CERP, AGD PACE, NYSDA, APMA, CPME, AACPM, AANP, ACPE, AAPA, NYSPMA, ACNM, MSSNY and NYACP.

Coursework developed internally by institutions covering the eight required topics will be considered acceptable, if the coursework is accredited for continuing education. See above.

It is the attesting prescriber's responsibility to ensure that the course work or training is appropriately accredited on all eight topic areas.

Q26. The "Mandatory Prescriber Education Guidance" states that the course work or training must be accredited. Will DOH publish a list of recommended accrediting organizations?

A26. Yes, DOH has provided a representative list in the "Mandatory Prescriber Education Guidance" document. It may be found here:

http://www.health.ny.gov/professionals/narcotic/docs/mandatory_education_guidance.pdf.

Q27. Does DOH offer a free online accredited course that meets the minimum three hour requirement for all eight topics in pain management, palliative care, and addiction?

A27. Yes, for additional information and to take the course, please visit <http://pharmacy.buffalo.edu/opioid-training>.

Q28. How will prescribers find accredited course work or training to fulfill the requirement?

A28. There are many existing online and live accredited courses that meet the minimum mandatory requirements. Prescribers may seek courses and training presented by professional societies and schools of medicine, pharmacy, dentistry and nursing. Remember, these courses must address all eight topic areas and be accredited for the continuing education of the applicable classes of licenses under Title Eight of the Education Law. Continue to check the Bureau of Narcotic Enforcement (BNE) web page for more information, at www.health.ny.gov/professionals/narcotic.

Q29. Does DOH accept accredited course work or training that addresses the prescribing of controlled substances in my area of practice or board certification?

A29. Yes, as long as the course work or training in that area of practice or board certification pertains to one or more of the eight required topic areas, it can be applied toward the minimum of three hours.

Q30. Does an individual or organization that would like to develop or provide course work or training for the required mandatory prescriber education, need to submit content to DOH for approval?

A30. No, DOH will not approve individual course work or training presentations or content. Courses accredited for the continuing education of any licensees under Title Eight of the Education Law to treat humans, and which include any or all of the required eight topics, in order to meet the minimum three hours, are approved by DOH for the number of hours for which they are accredited. DOH will consider all course work or training accredited by, but not limited to, one of the following; ACCME, AOA, ADA CERP, AGD PACE, NYSDA, APMA, CPME, AACPM, AANP, ACPE, AAPA, NYSPMA, ACNM, MSSNY and NYACP.

Attestation (NEAT):

Q31. When does the attestation for the completion of course work or training for the mandatory education need to be submitted to DOH?

A31. Prescribers must attest to the completion of the course work or training by July 1, 2017, and again every three years thereafter.

Q32. How will the Department of Health (DOH) know the required course work or training has occurred?

A32. Prescribers must attest to the completion of a minimum three hours of course work or training in all eight topic areas. A prescriber with a Health Commerce System (HCS) account will attest online using the Narcotic Education Attestation Tracker (NEAT) application. Prescribers without an HCS account may obtain one by visiting https://www.health.ny.gov/professionals/narcotic/prescription_monitoring/docs/hcs_application_instructions.pdf. Prescribers that do not have access to a computer can request a paper attestation form by calling the Bureau of Narcotic Enforcement (BNE) toll-free at 1-866-811-7957. They may then complete the form and return it by mail to the address provided.

Q33. Should the prescriber attest at the time of completion of a single topic?

A33. No. The prescriber should only attest after completion of at least three hours of course work or training covering all eight topics.

Q34. May a prescriber attest to previously-completed course work or training?

A34. Yes, prescribers may attest to course work or training they have completed on or after July 1, 2015, for the July 1, 2017 effective date only.

Q35. Will the prescriber receive a notice or certification from DOH upon submission of the attestation of the completion of the required course work or training?

A35. No, the prescriber will not receive a notice or certification upon submission of the attestation. Prescribers may perform a screen print or track their attestations within the NEAT application. Prescribers are required to keep documentation of completion of their course work or training for a minimum of six (6) years for audit purposes.

Q36. Where can a prescriber access his or her history of previous attestations?

A36. The prescriber can log into his or her HCS account and access his or her attestation history in the Narcotic Education Attestation Tracker (NEAT) application.

Q37. Does having a board certification in any specialty area, allow the prescriber to attest to the course work or training required?

A37. No, board certification in and of itself is not a substitute for the required course work or training. However, course work or training completed to obtain board certification may be applicable to one or more of the eight required topic areas, and toward the minimum of three hours in duration.

Q38. How does a prescriber or facility access the NEAT application to attest completion of course work or training?

A38. There will be a separate instruction document on the BNE web page, www.health.ny.gov/professionals/narcotic/

Q39. How does a medical resident prescribing using a facility's DEA registration number attest to the completion of the mandatory course work or training in pain management, palliative care, and addiction?

A39. Attestation on behalf of medical residents who prescribe under a facility's DEA registration number must be made by the facility; it cannot be made by the medical resident.

Q40. How does a facility attest to the completion of the mandatory course work or training on behalf of its medical residents?

A40. The facility must attest online through the DOH HCS NEAT application. The facility must maintain a list of all residents included in the attestation for a period of six years. It is not necessary to provide this listing to the DOH, but must be made available to DOH upon request.

Q41. When a medical resident rotates through several facilities, which facility is responsible to attest that the resident completed the required course work or training?

A41. Each and every facility that authorizes a medical resident to prescribe controlled substances under its facility DEA registration number must attest, and must maintain an updated list.

Q42. How often must the facility attest that the medical resident it has authorized to prescribe controlled substances under the facility's DEA registration number has completed the required course work or training?

A42. The facility must attest once every three years.

Q43. Does the facility have to attest on behalf of its residents graduating on or before June 30, 2017 and moving to another state?

A43. No. The law takes effect July 1, 2017.

Exemption:

Q44. Will DOH grant an exemption to the required course work or training to an individual prescriber?

A44. In certain limited circumstances, the DOH may grant an exemption to the required course work or training to an individual prescriber who clearly demonstrates to the DOH that there is no need to complete such training. Exemptions shall not be based solely upon economic hardship, technological limitations, prescribing volume, practice area, specialty, or board certification.

Q45. Is a prescriber who engages in a recertification program from a specialty board such as the American Osteopathic Association (AOA) or the American Board of Medical Specialties (ABMS) exempt from the requirement to complete course work or training in pain management, palliative care, and addiction?

A45. No, however, hours for accredited course work or training that meet any of the eight required topics, completed as part of a certification program, may be counted toward the requirement.

Q46. How does a prescriber or facility access the NEAT application to request an exemption?

A46. There will be a separate instruction document on the BNE web page, www.health.ny.gov/professionals/narcotic/.