

## **ELECTRONIC PRESCRIBING OF CONTROLLED SUBSTANCES: REQUIRED IN MEDICARE PART D STARTING 1/1/21**

The use of e-prescribing technology for controlled substances (EPCS) can help reduce loss of life in the opioid epidemic and save taxpayer dollars. Its implementation is critical given the potential mental health and substance abuse ramifications from COVID-19. Included as Section 2003 of the SUPPORT for Patients and Communities Act, the Every Prescription Conveyed Securely Act (EPCS Act) directs providers to electronically prescribe controlled substances under Medicare Part D by **January 1, 2021**.

The EPCS Act was championed by Senators Bennet, Toomey, and Warren and Representatives Katherine Clark and Markwayne Mullin and enjoys broad bipartisan support.

### **EPCS Technology Reduces the Loss of Lives from Opioid Abuse**

According to the Department of Justice, most fraudulent prescription opiates are obtained either through doctor shopping, forged prescriptions, or theft, which can be addressed by requiring the use of EPCS technologies.

### **Implementation**

To implement the statute, HHS needs to issue rules setting out the exceptions, or waivers, to the EPCS requirements. The statute also gives the Secretary authority to enforce and specify penalties for non-compliance with the requirement.

### **States Have Shown EPCS Can be Implemented Rapidly**

At this point, nearly half of states have implemented or have enacted laws to implement policies similar to the EPCS Act. There have been no reports of significant interruptions to access to care, nor should there be under the new federal law.

Today, according to data from Surescripts, 86 percent of non-controlled substances are prescribed electronically as compared to only 38 percent of controlled substances. Since 2008, Congress and the Administration have enacted laws and implemented regulations that encouraged and ultimately required e-prescribing for non-controlled substances, which explains its widespread adoption. EPCS uses similar prescribing technology to the technology used for non-controlled drugs and is typically integrated into the prescriber's electronic medical record system.

Nationwide, a majority of prescribers are now enabled.

### **Savings to the Federal Government and the Health System**

CBO scored the EPCS Act as saving the federal government \$250 million over ten years.

A study from Geisinger Health suggested that their hospital system saw an average of \$850,000 in savings per month in the first year alone thanks to reduced call center needs, increased physician work flow productivity and diversion control efforts.

## **WHAT DOES THE EPCS ACT DO?**

### **Requirement**

The 2018 SUPPORT Act requires that, beginning January 1, 2021, a prescription for a covered part D drug under a prescription drug plan or under an MA-PD plan for a schedule II, III, IV, or V controlled substance be transmitted by a health care practitioner electronically.

### **Reasonable Exceptions**

The law includes reasonable exceptions based on similar state laws. Examples include:

- Prescribers who have hardships
- Drugs in clinical trials or with REMS requirements
- Drugs prescribed in certain long-term care settings

Pharmacies and Part D sponsors are not required to verify whether a prescriber has a waiver.