

Kentucky EPCS Mandate

Mandatory Electronic Prescribing of Controlled Substances is Coming Are You Ready?

Kentucky Revised Statute 218A.182 mandates the electronic prescribing of controlled substances (EPCS) in Kentucky effective January 1, 2021. The Kentucky mandate is similar to the federal Medicare Part D EPCS mandate effective January 1, 2021, but applies to all controlled substances prescribed in Kentucky - regardless of payer.

Some controlled substance prescriptions will be exempt from the Kentucky EPCS mandate. The complete list of exceptions is found in KRS 218A.182. Examples include:

- Prescriptions issued by veterinarians
- Prescriptions issued for hospice patients or residents of a nursing facility
- Prescriptions issued during a temporary technological or electrical failure
- Prescriptions issued for extemporaneous compounding
- Prescriptions issued by practitioners who have received a temporary EPCS waiver from the Cabinet for Health and Family Services (CHFS)

A practitioner who is unable to comply with the EPCS mandate may petition the cabinet for a temporary waiver based on:

- Economic hardship
- Technological limitations outside the practitioner's control
- Other exceptional circumstances

Practitioners who wish to seek an initial temporary waiver must submit a completed Temporary Exemption Form (see link below) to the cabinet no later than **November 1, 2020**.

Additional information regarding EPCS prescription requirements and temporary waivers are available in Kentucky Administrative Regulation 902 KAR 55:130 and on the CHFS-OIG Drug Enforcement website.

If you have an Electronic Health Record (EHR) system that is not currently EPCS certified, you should contact your EHR vendor as soon as possible to determine how to implement EPCS. If you prescribe controlled substances in Kentucky, please take the appropriate steps now to ensure compliance with the Kentucky EPCS mandate. Failure to do so may result in penalties, including licensure board referral and fines.

Helpful Links:

EPCS Temporary Exemption Request Form:

<https://chfs.ky.gov/agencies/os/oig/dai/deppb/Documents/EPCSTemporaryExemptionForm.pdf>

KRS 218A.182: <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=49590>

KAR 902 55:130: <https://apps.legislature.ky.gov/law/kar/902/055/130.pdf>

CHFS-OIG Drug Enforcement: <https://chfs.ky.gov/agencies/os/oig/dai/deppb/Pages/default.aspx>

DEA EPCS Website: https://www.deadiversion.usdoj.gov/ecommm/e_rx/