

Yes, it's legal to e-prescribe controlled substances in Ohio

Ohio is involved with a national initiative to encourage the e-prescribing of controlled substances (EPCS). This effort is being led by Surescripts, the Drug Enforcement Agency (DEA), CMS at the national level and the Ohio E-Prescribing Task Force at the state level. The process for approval of electronic health record (EHR) systems to send and pharmacy systems to receive controlled substance e-prescriptions has been established by DEA regulations (**21 CFR 1311**). Pursuant to **4729-5-21 and 4729-5-30 of the Ohio Administrative Code (OAC)**, systems meeting the DEA's requirements to send and receive electronic prescriptions for both controlled and non-controlled substances are considered approved by the State of Ohio Board of Pharmacy.

Here is what is needed for a controlled substance prescription to move successfully between the prescriber and the pharmacy:

1. A prescriber's EHR system must be certified and audited under the DEA process to transmit EPCS using the two-factor authentication signing processes. The EHR vendor is responsible for obtaining these approvals.
2. A pharmacy's software system must be certified and audited under the DEA process to receive EPCS. The pharmacy software vendor is responsible for obtaining these approvals. A chain pharmacy corporation will typically oversee the audit process and approvals for all of its individual pharmacy locations, and pharmacy software vendors will do so for independent pharmacies.
3. A prescriber must be credentialed under the DEA process to send EPCS. This step may also be referred to as "identity proofing" and is done to verify the prescriber's identity. The individual prescriber or the hospital (for those prescribers who are employed by a system) is responsible for completing the credentialing process. If an individual prescriber does not know how to obtain credentials for EPCS, he/she should contact the practice's EHR vendor.

Facts about EPCS

Surescripts acts as an intermediary network in the EPCS transmission process for most e-prescriptions in the country. It performs additional functions to make the EPCS process as secure and transparent as possible, such as:

- Verifying pharmacy and prescriber software vendors' compliance with the DEA certification process. Only after this is completed can the prescriber EHR system or pharmacy software system connect to the Surescripts network for EPCS purposes.
- Ensuring that prescriber software vendors verify individual prescriber compliance with credentialing or identity proofing requirements.
- Requiring pharmacy system vendors to display an indication to a pharmacist confirming that the EPCS being received is DEA-compliant.
- Publishing both prescriber and pharmacy directories for EPCS. These can be found at: <http://getepcs.com/moredetails.html>

Guidance from the State of Ohio Board of Pharmacy

- *A pharmacist presented with a valid eRx for controlled substances (see **OAC 4729-5-30 and 4729-5-21**) should go ahead and fill the prescription.* The checks and balances created by the DEA and enforced by Surescripts should give a pharmacist assurance that the software certification is both current and complete to allow transmission of controlled substances.
- If a pharmacist is unclear whether his or her pharmacy can receive EPCS prescriptions, individual pharmacy DEA certification can be checked at the Surescripts site at <http://getepcs.com/moredetails.html>
- For assurance about a prescriber's credentials to use EPCS, a pharmacist can check individual providers at <http://getepcs.com/moredetails.html> or can check directly with the prescriber.
- If a pharmacist has questions about a prescription, contact the prescriber or your regional manager.
- Remember: DEA certification for EPCS does not replace the need for a vendor to comply with the State of Ohio Board of Pharmacy regulations for non-controlled substance eRx transmission (approvable status). Any vendor questions about eRx or EPCS in Ohio should be addressed to the State of Ohio Board of Pharmacy by the vendor. Questions can be directed to the Board by email: erx@pharmacy.ohio.gov.

FREQUENTLY ASKED QUESTIONS ABOUT CONTROLLED SUBSTANCE E-PRESCRIBING

Question 1: Can controlled substance prescriptions be received in Ohio by means other than EPCS?

Pharmacists can continue to receive controlled substance prescriptions by other State of Ohio Board of Pharmacy approved routes such as signed hardcopy prescriptions and facsimile. (See **OAC 4729-5-30 for limits on CII faxing**). However, under the DEA regulations, an EPCS prescription cannot be converted into a computer-generated fax. (**21 CFR 1311.170**)

Question 2: Can Schedule II drugs be e-prescribed using the EPCS process?

Yes, all controlled substances, Schedule II through V, are permitted to be electronically prescribed in Ohio.

Question 3: How many DEA-compliant EPCSs have been transmitted across the Surescripts network?

Since the first legal EPCS transmission took place on the Surescripts network in August 2011, **over 3 million** e-prescribed controlled substance prescriptions have been transmitted.

Question 4: In which states have EPCS transactions been transmitted and received via the Surescripts network since August 2011? Are Ohio pharmacies participating in EPCS?

EPCS transactions have been transmitted by prescribers and received by pharmacies in all states except Missouri. As of April 2015, 78% of Ohio pharmacies are enabled to receive EPCS. Every county in Ohio has at least one pharmacy enabled for EPCS. As of April 2015, 1,681 out of 2,164 Ohio pharmacies are enabled to receive EPCS. As of May 2015, the percentage of pharmacies enabled to e-prescribe controlled substances rose to 81.6 percent.

Question 5: Is Surescripts doing anything to facilitate the EPCS process that is not required of it by the DEA?

Yes, Surescripts is offering the following value-added services and/or implementing the following additional requirements that are not included in the DEA's EPCS Interim Final Rule (IFR):

- Surescripts requires all application vendors to prove that they have successfully completed their Part 1311 EPCS audits as required by the DEA prior to being activated for EPCS transactions through Surescripts.
- Pharmacy directories in prescriber applications are required to indicate which pharmacies are enabled to receive EPCSs, and prescribers are only able to send EPCSs to those pharmacies.
- Prescriber directories in pharmacy applications are required to indicate which prescribers are using applications that have been certified and audited for EPCS purposes.
- Surescripts is monitoring compliance with EPCS rules, reminding network participants that EPCS procedures must be followed for state controlled drugs and that Schedule II drugs should not be electronically prescribed in states in which it is not yet permitted.
- In instances in which an EPCS crosses a state line, Surescripts requires that both the transmitting prescriber and the receiving pharmacy be in compliance with both the DEA's EPCS IFR and the controlled substance rules of the state in which the prescriber or pharmacy is located. For example, Surescripts does not allow a prescriber in a state in which EPCS is legal to transmit an EPCS to a pharmacy in a state in which EPCS is not yet permitted.

Question 6: I am an independent pharmacist. Who can I contact to find out about pharmacy certification for EPCS?

Independent pharmacists should first reach out to their pharmacy software vendor to determine their vendor's capabilities or intentions with respect to EPCS. After this step, if they still have issues or concerns about EPCS, they may contact the Independent Pharmacist Assistance Line at Surescripts for help in becoming enabled to participate in EPCS:

Phone: 1-877-877-3962

Email: independent-assistance@surescripts.com

Fax: 1-703-880-0149