

Update on the Kentucky ePrescribing Mandate Jan. 7, 2021

The Centers for Medicare & Medicaid Services (CMS) recently announced that enforcement of the federal EPCS mandate will be delayed until Jan. 1, 2022. However, the Kentucky EPCS mandate remains in effect and requires practitioners to issue all controlled substance prescriptions electronically beginning Jan. 1, 2021.

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, i.e., inadequate internet services
- Other exceptional circumstances

Due to the recent CMS announcement, OIG recognizes extenuating circumstances related to implementing EPCS in Kentucky and will accept EPCS waiver applications past the original due date of Nov. 1, 2020.

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. Providers without electronic health records or electronic prescribing capability can find stand-alone software, available at minimal to no cost, for EPCS using a computer, tablet or smartphone. 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.

Specific to Pharmacists

KRS 218A.182 specifically states that a pharmacist who receives a written, oral, or faxed prescription for a controlled substance *shall not be required to verify* that the prescription properly falls under one (1) of the exceptions from the requirement to electronically prescribe. Pharmacists may continue to dispense medications from otherwise valid written, oral, or fax prescriptions that are consistent with current laws and administrative regulations, including KRS.218A.180 (3).

Links for additional information regarding EPCS requirements and exemptions:

[EPCS Temporary Exemption Request Form](#)

[KRS 218A.182](#)

[KAR 902 55:130](#)

[CHFS-OIG Drug Enforcement Website](#)

[DEA EPCS Website](#)