

# Mandatory Electronic Prescribing for Controlled Substances (EPCS) Effective January 1, 2021



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Most prescribers are aware of the upcoming requirement for Electronic Prescribing of Controlled Substances (EPCS) as mandated by the federal SUPPORT Act of 2018 and effective January 1, 2021. Primarily, this federal mandate affects Medicare Part D EPCS. In addition to the federal law, many states have new or existing EPCS laws (please see the table below). These are in line with the federal mandate but apply to ***all controlled substances*** regardless of payor.

The Drug Enforcement Agency (DEA) requirements for EPCS include two-factor authentication, which means prescribers who already issue electronic prescriptions, but whose systems are not EPCS certified, may need to work with their vendor to meet the DEA requirements. Prescribers without electronic health records or electronic prescribing

capability can find standalone software, available at minimal to no cost, for EPCS to use with a computer, tablet or smartphone. SVMIC strongly encourages prescribers to take the appropriate steps now to ensure compliance with federal or state EPCS mandates. Failure to do so may result in penalties, including licensure board referral and fines. Although the Centers for Medicare & Medicaid Services (CMS) EPCS mandate could be delayed, prescribers subject to state EPCS laws will be required to comply with such laws unless the prescriber meets licensure board exemptions or waivers.

Additional information regarding EPCS requirements and exemptions allowed can be found at the following links:

<b>State</b>	<b>Has state law applicable to all payors?</b>
Alabama	No
Arkansas	Yes - NEW!
Georgia	No
Kentucky	Yes - NEW
Mississippi	No
North Carolina	Yes
Oklahoma	Yes
Tennessee	Yes - NEW!
Virginia	Yes

#### **IMPORTANT UPDATE NOVEMBER 30, 2020**

Tennessee has issued the waiver form for ECPS. A health care prescriber that is unable to comply with the electronic prescription requirement for a Schedule II, III, IV or V prior to January 1, 2021, may apply for a waiver from the requirement based on economic hardship or technological limitations that are not reasonably within the control of the health care prescriber or other exceptional circumstance demonstrated by the health care prescriber.

[Download the waiver form here.](#)

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