

Summary of CY22 Physician Fee Schedule (PFS) Electronic Prescribing of Controlled Substances (EPCS) Changes

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Final Rule: <https://public-inspection.federalregister.gov/2021-23972.pdf>

Electronic Prescribing of Controlled Substances (EPCS) Timeline

- The Centers for Medicare & Medicaid Services (CMS) encourages all prescribers to adopt EPCS as soon as feasible as the SUPPORT Act EPCS mandate for Part D controlled substances began Jan. 1, 2021.
 - The CY22 Physician Fee Schedule (PFS) finalized CMS' proposal to extend the compliance date of EPCS to no earlier than Jan. 1, 2023.
 - For Part D controlled substance prescriptions written for beneficiaries in long-term care (LTC) facilities, compliance will begin Jan. 1, 2025.

Compliance Threshold

- CMS finalized the requirement for prescribers to prescribe at least 70% of their Schedule II, III, IV, and V controlled substances that are Part D drugs electronically.
- Compliance will be determined by examining Prescription Drug Event (PDE) data at the end of the calendar year.

Penalties

- CMS finalized that for 2023, the compliance penalty will be limited to a compliance letter transmitted to prescribers.

Classes of Exceptions

When Prescribing and Dispensing Pharmacy are the Same Entity

- Exception granted for the use of the NCPDP SCRIPT 2017071 in situations where the prescribing and dispensing pharmacy are the same entity.

Cases Where Prescribers Issue Only a Small Number of Part D Prescriptions

- Exception granted for providers who prescribe 100 or fewer Part D controlled substance prescriptions per year and for individual prescribers, regardless of the size of the group practice they belong to.
 - This will be monitored through the examination of PDE claims as of December 31 of the prior year.

Case of Recognized Emergencies and Extraordinary Circumstances

- Exceptions will be granted to prescribers who are prescribing during a recognized emergency and prescribers who request and receive from CMS a waiver, which the agency proposes to

grant to prescribers who are facing extraordinary circumstances that prevent them from electronically prescribing.

- The waiver process was finalized as part of the CY22 PFS and an attestation form to apply for a waiver will be made available on a CMS-support website.

Individuals in Hospice and Nursing Facilities

- An exception was not made for prescribers issuing prescriptions for individuals enrolled in hospice.
- An exception was also not created for prescribers issuing prescriptions for individuals who are residents of a nursing facility.