



*Consultant Pharmacists for Healthcare Organizations, Industry and the Community.*

**To: All Operators, Administrators, Directors of Nursing, Medical Directors, and Prescribers**

**From: Dr. William C. Hallett, Pharm.D., MBA, CGP, C-MTM**

**January 18<sup>th</sup>, 2016**

## **New York State e-Prescribing Update and Advisory For Long Term Care Facilities**

### **UPDATE #2016-02: Institutional e-Prescribing Waiver Process**

On December 22<sup>nd</sup>, 2015, the New York State Bureau of Narcotic Enforcement (NYS BNE) released a waiver application process for Long Term Care facilities and other Institutional practice settings, as described in our original memorandum of December 23<sup>rd</sup>, 2015, which may be downloaded here:

<http://guardianconsulting.com/download/ny-bne-e-prescribing-update-january-2016/>

Since this original announcement, we have been working diligently with many of you to complete your applications. As expected, we quickly encountered questions and other sticking points in the process, and of course reached out to the NYS BNE for answers and guidance. The NYS BNE has been extremely helpful and quick to respond to all of our queries, and we remain extremely grateful for their assistance.

To the extent possible, this document is intended to relay the information and clarifications we have received from BNE in order to assist all interested facilities in promptly and accurately submit their applications.

For your ease and convenience, we have assembled the most requested documents and information on this page of our website: <http://guardianconsulting.com/public-documents/>

Documents available for download at the above link include:

- January, 2016 BNE FAQ: Updated e-Prescribing Waiver Instructions
- Sample Prescriber Attestation Form
- Sample e-Prescribing Waiver Justification Text
- NY Professions Codes List
- CSV File Creation Instructions
- Official NYS Prescription Registration Form

The most common issues encountered include the following:

### **1. “Address Not Found” or similar error after entering your NYS BNE License Number**

Commonly referred to as a “03” number, this is 7 digit alphanumeric that appears on your green “License to Engage in Controlled Substance Activity” form. If you are entering your number into the designated field and encountering an error that states that your address or facility is not found or similar, it means you must first register your facility using the “Official NYS Prescription Registration Form”, which, may be downloaded for your use here: <http://guardianconsulting.com/download/official-nys-prescription-registration-form/>

Although the form specifically states that faxes are not acceptable, the NYS BNE has previously indicated to us that they will accept faxes in order to expedite the process at this time at this number: 518-402-1058, or you can mail the application as indicated on the form. Once you have been registered in the system, your “03” number will be accepted and you should be able to proceed with the process.

### **2. Creating CSV Files**

The application requires that all prescribers be listed in a csv file, which of course may be a mystery to those who are unfamiliar. While the instructions for creating a csv file are embedded in the application, we thought it may be useful to have the instruction document available for use and review outside of the application itself. Please check the download page, here: <http://guardianconsulting.com/download/csv-file-instructions/>

### **3. Prescriber Attestation Forms**

In order to complete the application, all prescribers must attest their desire to be waived from the e-prescribing mandate when issuing prescriptions at your facility. Two example attestation forms are available for download here, a one prescriber per page version and a multiple prescriber per page version: <http://guardianconsulting.com/download/sample-prescriber-attestation-document-e-prescribing-waiver/>

### **4. Justification Text**

In the first week of January, the NYS DOH published an updated FAQ document on the e-Prescribing regulations, which can be found here: [https://www.health.ny.gov/professionals/narcotic/electronic\\_prescribing/docs/epcs\\_faqs.pdf](https://www.health.ny.gov/professionals/narcotic/electronic_prescribing/docs/epcs_faqs.pdf). On page 22 of this document under Q&A 127, the following language appears as a justification for an exception for e-prescribing:

*“...the practitioner reasonably determines that it would be impractical for the patient to obtain substances prescribed by electronic prescription **in a timely manner**, and **such delay would adversely impact the patient's medical condition.**”*

We continue to strongly believe that although the law is well intentioned and will serve great benefit in the community, it (the law) is not designed properly for Long Term Care and will result in the exact scenario described above, and will by the very nature in which LTC facilities operate order medications, introduce a delay. And as we all know all too well, even the smallest of delays can result in actual harm to the residents under our care. As such, we have provided some sample language for justification here: <http://guardianconsulting.com/download/sample-e-prescribing-waiver-justification-text/>.

Please note that clinical situations vary, and this language presented is only a recommendation. Please take this language under advisement and of course exercise your best judgment in the final language of your individual application.

We encourage everyone to apply as soon as possible, and also to remember that we remain committed to assisting all applicants in any way possible. Please do not hesitate to contact us with questions or to request assistance.

Finally, we would once again like to thank our contacts at the NYS BNE for both their assistance and guidance, as well as for their understanding of the unique situation that we, as providers of services in Long Term Care, face every day as we work to provide medications without delay for the care of our residents. Their cooperation has been key to assisting us in helping you in this process.

Respectfully,

**Dr. William C. Hallett, Pharm.D., MBA, CGP**  
***President/CEO, Guardian Consulting Services, Inc.***

New York - Downstate (516) 775-6235

New York – Albany/Southern Tier (518) 708-8101

[whallett@guardianconsulting.com](mailto:whallett@guardianconsulting.com)

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