

## EPCS Regulatory Milestones

- The 2024 Physician Fee Schedule (PFS) final rule, which appeared in the November 16, 2023, issue of the Federal Register, finalized the removal of the same legal entity exception while clarifying that the CMS EPCS Program will automatically align with Part D e-prescribing standards. It finalized counting unique prescriptions in the measurement year by prescription number. It updated the exception for emergencies to allow CMS to identify which emergencies qualify for the exception and the duration of the emergency exception would apply for the measurement year. The final rule continued the practice of issuing a prescriber a notice of non-compliance as a non-compliance action for subsequent measurement years and recognized that a prescriber's non-compliance information may be used in the processes for identifying potential fraud, waste, and abuse.
- The 2023 PFS final rule, which appeared in the November 18, 2022, issue of the Federal Register, finalized a policy that the small prescriber exception for 2023 EPCS compliance would be assessed using 2023 data; identified the Medicare Provider Enrollment, Chain, and Ownership System (PECOS) and the National Plan and Provider Enumeration System (NPPES) as the data sources to identify prescribers who are prescribing during a recognized emergency; and extended the existing compliance action of sending a non-compliance notice for the 2024 measurement year (evaluated year).
- The 2022 PFS final rule, which appeared in the November 19, 2021, issue of the Federal Register, mandated electronic prescribing of at least 70 percent of controlled substances (Schedule II-V) that are Part D drugs each measurement year, after exceptions are applied. It also extended the date of compliance actions to no earlier than January 1, 2023, and finalized a policy that compliance actions for prescriptions for beneficiaries in a long-term care (LTC) facility will begin January 1, 2025, and prescriptions written for a beneficiary in a LTC facility will not be included in determining compliance until that date. This rule also established exceptions and finalized a policy to limit 2023 compliance actions to a compliance letter.
- The 2021 PFS final rule, which appeared in the December 28, 2020, issue of the Federal Register, established the requirement that prescribers use the NCPDP SCRIPT standard version 2017071 for EPCS transmissions.
- On August 4, 2020, CMS published a Request for Information (RFI) for Electronic Prescribing of Controlled Substances (EPCS) in Medicare Part D. The RFI sought input from stakeholders around implementation of Section 2003 of the SUPPORT Act.
- On October 24, 2018, Section 2003 of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act) became public law, requiring prescriptions under a Part D prescription drug plan or Medicare Advantage prescription drug plan be transmitted in accordance with an electronic prescription drug program.