

**NEWS RELEASE**  
**For Immediate Release**  
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**Board of Pharmacy issues notice regarding electronic prescribing of controlled substances**

Santa Fe- The Board of Pharmacy of the New Mexico Regulation and Licensing Department is reminding practitioners and pharmacists that there are changes to state rules regarding electronic prescribing of controlled substance (EPCS) prescriptions in New Mexico.

The first change affects prescriptions to be reimbursed under Medicare Part D pursuant to the Support Act, otherwise known as the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act.

**Federal requirement:**

Effective [January 1, 2021 the SUPPORT ACT](#) requires electronic prescribing of controlled substance prescriptions under Medicare Part D, subject to any exceptions which the U.S. Department of Health & Human Services may apply. The establishment of penalties will not be enforced (“compliance date”) until January 1, 2022.

**State requirement:**

Effective April 1, 2021, pursuant to [16.19.20.42](#) NMAC, all controlled substance prescriptions in New Mexico must be electronically prescribed, unless an exception applies:

*Effective April 1, 2021 all controlled substance prescriptions must be electronically transmitted, except:*

- a) for patients residing in an intermediate care, skilled nursing or correctional facility;*
- b) for patients enrolled in hospice;*
- c) for an animal by a licensed veterinarian;*
- d) a prescription dispensed by a federal facility not subject to state regulation (e.g. department of veteran affairs, Indian health services, military bases);*
- e) a prescription requiring information that makes electronic transmission impractical, such as complicated or lengthy directions for use or attachments; or new medications not yet in electronic system;*
- f) for compounded prescriptions;*
- g) for prescriptions issued during a temporary technical or electronic failure at the practitioner’s or pharmacy’s location;*
- h) for prescriptions issued in an emergency pursuant to federal law and rules of the board;*
- i) for prescriptions issued in response to a public health emergency where a non-patient specific prescription would be permitted;*



- j) *under extenuating circumstance, not inconsistent with federal law and where the practitioner communicates directly with the pharmacist. The pharmacist, using professional judgment, may accept the non-EPCS and is responsible for ensuring documentation of the circumstance in the prescription record; and that the prescription is otherwise in compliance with state and federal law and rules.*

EPCS is an important tool in improving the safety and quality of patient care, to protect the public via reduction of medication errors, prescription forgery, and controlled substance diversion.

- EPCS limits [medication errors](#), including transcription errors. EPCS can reduce the number of callbacks between pharmacies and prescribers for prescription clarification, as in the case of legibility issues.
- EPCS limits forged and fraudulent prescriptions associated with other methods of transmission (e.g. written or telephoned prescriptions). EPCS further limits lost or stolen prescription forms.
- EPCS provides a single, streamlined workflow for all prescriptions, and enables after hours ordering. Prescribers can electronically prescribe from anywhere they can access their electronic health record (EHR) system.

**There are four fundamental steps to enabling EPCS:**

1. Find out if your EHR has EPCS.
2. Establish identity proofing for prescribers.
3. Enable two-factor authentication.
4. Set software access for EPCS.

**Here are some EPCS information resources:**

- [DEA Diversion Control Division Information on EPCS](#)
- [EPCS FAQ for practitioners](#)
- [Medicare Physician Fee Schedule final rule](#)
- [EPCS Integration Aid for Solo & Small Practices](#)
- [EPCS Integration Aid for Health System Affiliated Practices](#)

If you have questions about the upcoming New Mexico EPCS requirements, please refer to the documentation in the attached hyperlinks. For further questions not addressed by these documents, you may contact the New Mexico Board of Pharmacy at [pmp.info@state.nm.us](mailto:pmp.info@state.nm.us).

The New Mexico Regulation and Licensing Department regulates more than 500,000 individuals and businesses in 35 industries, professions, and trades across the state. Its goal is to assure that New Mexicans receive quality services from qualified individuals and businesses while also ensuring fair and prompt administrative process.

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