

Electronic Prescribing FAQ

November 4, 2022

1. I do not currently electronically prescribe. Which software should I use?

[MCL 333.17754a](#) will soon require all prescribers to electronically transmit all controlled and non-controlled substance prescriptions unless otherwise exempt under the statute (see question 3 below for exemptions).

The department does not recommend specific software. Please refer to [MCL 333.17754a\(1\) and \(2\)](#) for guidance on the type of software that can be used. You may also want to contact your professional association for guidance. Additionally, the Drug Enforcement Administration has [approved various entities](#) to provide the certification of electronic prescribing systems.

2. When does the electronic prescribing requirement go into effect?

The Bureau of Professional Licensing's (BPL) enforcement of the electronic prescribing standard will coincide with the Centers for Medicare & Medicaid Services' (CMS) enforcement schedule for Part D prescription drug programs. As a result, BPL will initiate enforcement of Michigan's new electronic prescribing standard on **January 1, 2023**.

3. Are there any exemptions to the law?

[MCL 333.17754a\(5\)](#) provides a number of exemptions to the law. In addition, BPL will soon be accepting applications for a waiver of the electronic prescribing requirements. Listed exemptions in MCL 333.17754a(5) include:

- (a) If the prescription is issued by a prescriber who is a veterinarian licensed under Article 15 of the Public Health Code.
- (b) If the prescription is issued under a circumstance in which electronic transmission is not available due to a temporary technological or electrical failure.
- (c) If the prescription is issued by a prescriber who has received a waiver from the department under MCL 333.17754a(7).
- (d) If the prescription is issued by a prescriber who reasonably believes that electronically transmitting the prescription would make it impractical for the patient who is the subject of the prescription to obtain the prescription drug in a timely manner and that the delay would adversely affect the patient's medical condition. A prescriber who does not electronically transmit a prescription under this subdivision shall document the specific reason for his or her belief that the delay would adversely affect the patient's medical condition.
- (e) If the prescription is orally prescribed under section [7333\(3\) or \(4\)](#).
- (f) If the prescription is issued by a prescriber to be dispensed outside of this state.
- (g) If the prescription is issued by a prescriber who is located outside of this state to be dispensed by a pharmacy located inside of this state.

(h) If the prescription is issued and dispensed in the same health care facility and the individual for whom the prescription is issued uses the drug exclusively in the health care facility. As used in this subdivision, "health care facility" includes, but is not limited to, any of the following:

- (i) A hospital.
- (ii) A hospice.
- (iii) A dialysis treatment clinic.
- (iv) A freestanding surgical outpatient facility.
- (v) A skilled nursing facility.
- (vi) A long-term care facility that provides rehabilitative, restorative, or ongoing skilled nursing care to an individual who is in need of assistance with activities of daily living.

(i) If the prescription contains content that is not supported by the National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard.

(j) If the prescription is for a drug for which the FDA requires the prescription to contain content that cannot be transmitted electronically.

(k) If the prescription is issued under circumstances in which the prescriber is not required to include on the prescription a name of a patient for whom the prescription is issued including, but not limited to, a prescription issued under [section 5110](#).

(l) If the prescription is issued by a prescriber who is prescribing the drug under a research protocol.

(m) If the prescription is dispensed by a dispensing prescriber.

(n) If the prescription is for a dialysis-related drug that is administered as part of or incident to a home-based dialysis treatment.

4. Are orally prescribed prescriptions still allowed?

Pursuant to [MCL 333.17754a\(5\)](#), an orally prescribed prescription for a controlled substance issued pursuant to [MCL 333.7333\(3\) or \(4\)](#) is exempt from the electronic prescribing requirement.

5. I am retired, have left active practice, or do not practice in Michigan at this time. Am I required to electronically prescribe?

[MCL 333.17754a](#) will soon require all prescribers, even those retired or not in active practice, to electronically transmit all controlled and non-controlled substance prescriptions unless otherwise exempt under the statute. In addition, BPL is accepting applications for a waiver of the electronic prescribing requirements.

6. I do not intend to prescribe, but I wish to maintain my license. Do I need to do anything to maintain my license under this new law?

A prescriber who does not plan to prescribe is not required to take any further action under the electronic prescribing law in order to maintain their license. The law will only apply when writing prescriptions.

7. What is involved in the rulemaking process for the electronic prescribing rules?

After the filing of a Request for Rulemaking, the rule set is considered to be open. During the rule promulgation process, BPL hosts rules committee work group meetings where the public is invited to participate in the creation of the revised draft. Further, as part of the promulgation process, rules sets are sent to a public hearing where the public is encouraged to make specific comments about the

draft before it is sent to the legislature for review and final [promulgation](#). Both the [Pharmacy General rules](#) and the [Controlled Substance rules](#) have completed the promulgation process.

8. I am unable to meet the electronic prescribing requirements. How do I obtain a waiver?

BPL has created a form that can be used by prescribers who may fall into one of the narrow categories in the law and wish to apply for a waiver of the electronic prescribing requirements of [MCL 333.17754a](#). The form can be found [on our website](#). If you would like to apply for a waiver, complete the form and email it to bpldata@michigan.gov or mail it to PO Box 30670, Lansing, MI 48909. Please note that requests sent by postal mail will take longer to process than requests sent by email.

9. I already have an electronic prescribing system. Do I need to get a new system?

If you are already electronically prescribing, and your current system complies with the requirements in [MCL 333.17754a\(1\) and \(2\)](#), you do not need to change systems.

10. How does this affect veterinary prescriptions?

The electronic prescribing requirements do not apply to veterinarians.

11. Is a faxed prescription considered an electronic prescription?

No, a faxed prescription is not considered an electronic prescription. Electronic prescriptions must comply with the requirements in [MCL 333.17754a\(1\) and \(2\)](#).

12. Do I need to apply for a waiver if I qualify for an exemption under the law?

If you qualify for an exemption under [MCL 333.17754a](#), you do not need to apply for a waiver. If you do make use of an exemption under the law, it is important to clearly document that information in the medical record.

13. Does a pharmacist need to verify that a prescriber has a waiver or qualifies under an exemption prior to filling a prescription that has not been electronically transmitted?

No. A pharmacist who receives a prescription that was not transmitted electronically to the pharmacy may dispense the prescription without determining whether an exception under [MCL 333.17754a\(5\)](#) applies.

If you have any additional questions, please contact BPL at 517-241-0199 or BPLHELP@michigan.gov.