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SUBJECT Policy Clarification Regarding Written Prescriptions, Orders and Requests	BY  Michael Nardone, Deputy Secretary Office of Medical Assistance Programs	

SCOPE:

This bulletin applies to all providers enrolled in the Medical Assistance (MA) Program who order, prescribe or request services or items.

PURPOSE:

The purpose of this bulletin is to clarify the terms “written” and “in writing” as they apply to prescriptions, orders and requests for services or items, subject to the Department of Public Welfare’s (Department’s) regulations under the following 55 Pa.Code Chapters:

- Chapter 1101 (relating to general provisions)
- Chapter 1102 (relating to shared health facilities)
- Chapter 1121 (relating to pharmaceutical services)
- Chapter 1123 (relating to medical supplies)
- Chapter 1149 (relating to dentist’s services)
- Chapter 1151 (relating to inpatient psychiatric services)
- Chapter 1163 (relating to inpatient hospital services)
- Chapter 1181 (relating to nursing facility care)
- Chapter 1187 (relating to nursing facility services)
- Chapter 1230 (relating to portable x-ray services)
- Chapter 1243 (relating to outpatient laboratory services)

BACKGROUND/DISCUSSION:

MA regulations in the above referenced chapters state that prescriptions, orders and requests for services or items shall be written or in writing, and, in some instances, also require a signature. When these regulations were adopted, the terms “written” and “in writing” were generally accepted to mean that the practitioner transcribed a signature and the prescription, order or request by hand. However, with advancements in technology and their application to the standards of medical practice, the use of electronic media as a mode of communicating prescriptions, orders and requests for services is becoming more commonplace.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO: Office of Medical Assistance programs, c/o Deputy Secretary’s Office, Attn: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120 Visit the Office of Medical Assistance Programs Web site at: www.dpw.state.pa.us/PartnersProviders	DISTRIBUTION: 99-10-03
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The Centers for Medicare and Medicaid Services (CMS) supports the use of electronic prescribing as a means to reduce medication errors. The Department is issuing this statement of policy to clarify that the terms "written" and "in writing" include prescriptions, orders and requests transmitted using electronic media. Providers must continue to comply with all applicable laws and regulations. This statement of policy does not supersede any existing law or regulation.

REGULATION INTERPRETATION:

The regulation interpretation is contained in Annex A to this Bulletin.

EFFECTIVE DATE:

This Bulletin is effective immediately upon publication in the *Pennsylvania Bulletin*.

CONTACT PERSON:

Regulations Coordinator, the Office of Medical Assistance Programs, Bureau of Policy, Budget and Planning at (717) 772-6341.

ANNEX A

STATEMENT OF POLICY

DEPARTMENT OF PUBLIC WELFARE

OFFICE OF MEDICAL ASSISTANCE PROGRAMS

[55 Pa.Code Chapter 1101]

General Provisions

§ 1101.66a. Clarification of the terms “written” and “signature” – statement of policy.

(a) The term “written” at § 1101.66(b) (relating to payment for rendered, prescribed or ordered services) includes orders and prescriptions that are handwritten or transmitted by electronic means.

(b) Written orders and prescriptions, transmitted by electronic means, must be electronically encrypted or transmitted by other technological means designed to protect and prevent access, alteration, manipulation or use by any unauthorized person.

(c) The term “signature” at § 1101.66(b)(2) includes a handwritten or electronic signature that is made in accordance with the requirements of the Electronic Transaction Act (73 P.S. §§ 2260.101 - 2260.5101).

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[55 Pa.Code Chapter 1102]

Shared Health Facilities

§ 1102.34a. Clarification of the term “written” – statement of policy.

(a) The term “written” at § 1102.34(3) (relating to responsibilities relating to provider performance) includes orders and prescriptions that are handwritten or transmitted by electronic means.

(b) Written orders and prescriptions, transmitted by electronic means, must be electronically encrypted or transmitted by other technological means designed to protect and prevent access, alteration, manipulation or use by any unauthorized person.

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[55 Pa.Code 1121]

Pharmaceutical Services

§ 1121.52a. Clarification of the term “written” - statement of policy.

(a) The term “written” at § 1121.52(a) (relating to payment conditions for various services) includes prescriptions that are handwritten or transmitted by electronic means.

(b) Written prescriptions, transmitted by electronic means, must be electronically encrypted or transmitted by other technological means designed to protect and prevent access, alteration, manipulation or use by any unauthorized person.

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[55 Pa.Code Chapter 1123]

Medical Supplies

§ 1123.2a. Clarification of the term “written” – statement of policy.

(a) The term “written” at § 1123.2 (relating to the definition of *shoe inserts*) includes prescriptions that are handwritten or transmitted by electronic means.

(b) Written prescriptions, transmitted by electronic means, must be electronically encrypted or transmitted by other technological means designed to protect and prevent access, alteration, manipulation or use by any unauthorized person.

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[55 Pa.Code Chapter 1149]

Dentists’ Services

§ 1149.43a. Clarification of the terms “in writing”, “written” and “signature” – statement of policy.

(a) The terms “in writing” and “written” at § 1149.43(7) and (8) (relating to requirements for dental records) include prescriptions that are handwritten or transmitted by electronic means.

(b) Written prescriptions, transmitted by electronic means, must be electronically encrypted or transmitted by other technological means designed to protect and prevent access, alteration, manipulation or use by any unauthorized person.

(c) The term “signature” at § 1149.43(8)(vi) includes a handwritten or electronic signature that is made in accordance with the requirements of the Electronic Transaction Act (73 P.S. §§ 2260.101 - 2260.5101).

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[55 Pa.Code Chapter 1151]

Inpatient Psychiatric Services

§ 1151.41a. Clarification of the term “in writing” – statement of policy.

(a) The term “in writing” at § 1151.41(j) (relating to general payment policy) includes orders that are handwritten or transmitted by electronic means.

(b) Written orders, transmitted by electronic means, must be electronically encrypted or transmitted by other technological means designed to protect and prevent access, alteration, manipulation or use by any unauthorized person.

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[55 Pa.Code Chapter 1163]

Inpatient Hospital Services

§ 1163.451a. Clarification of the term “in writing” – statement of policy.

(a) The term “in writing” at § 1163.451(h) (relating to general payment policy) includes orders that are handwritten or transmitted by electronic means.

(b) Written orders, transmitted by electronic means, must be electronically encrypted or transmitted by other technological means designed to protect and prevent access, alteration, manipulation or use by any unauthorized person.

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[55 Pa.Code Chapter 1181]

Nursing Facility Care

§ 1181.257a. Clarification of the term “written” – statement of policy.

(a) The term “written” at § 1181.257(c) (relating to drug services) includes orders and prescriptions that are handwritten or transmitted by electronic means.

(b) Written orders and prescriptions, transmitted by electronic means, must be electronically encrypted or transmitted by other technological means designed to protect and prevent access, alteration, manipulation or use by any unauthorized person.

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[55 Pa.Code Chapter 1187]

Nursing Facility Services

§ 1187.2a. Clarification of the term “written” – statement of policy.

(a) The term “written” at § 1187.2 (relating to the definition of *specialty adapted DME*) includes orders that are handwritten or transmitted by electronic means.

(b) Written orders, transmitted by electronic means, must be electronically encrypted or transmitted by other technological means designed to protect and prevent access, alteration, manipulation or use by any unauthorized person.

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§ 1187.32a. Clarification of the term “written” – statement of policy.

(a) The term “written” at § 1187.32(4) (relating to continued need for nursing facility services requirements) includes orders that are handwritten or transmitted by electronic means.

(b) Written orders, transmitted by electronic means, must be electronically encrypted or transmitted by other technological means designed to protect and prevent access, alteration, manipulation or use by any unauthorized person.

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§ 1187.55a. Clarification of the term “written” – statement of policy.

(a) The term “written” at § 1187.55(1)(i) (relating to selected resident care and other resident related cost policies) includes orders and prescriptions that are handwritten or transmitted by electronic means.

(b) Written orders and prescriptions, transmitted by electronic means, must be electronically encrypted or transmitted by other technological means designed to protect and prevent access, alteration, manipulation or use by any unauthorized person.

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[55 Pa.Code Chapter 1230]

Portable X-ray Services

§ 1230.52a. Clarification of the terms “written” and “signature” – statement of policy.

(a) The term “written” at § 1230.52(a) (relating to payment conditions for various services) includes requests for portable X-ray procedures that are handwritten or transmitted by electronic means.

(b) Written requests, transmitted by electronic means, must be electronically encrypted or transmitted by other technological means designed to protect and prevent access, alteration, manipulation or use by any unauthorized person.

(c) The term “signature” at § 1230.52(a)(5) includes a handwritten or electronic signature that is made in accordance with the requirements of the Electronic Transaction Act (73 P.S. §§ 2260.101 - 2260.5101).

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[55 Pa.Code Chapter 1243]

Outpatient Laboratory Services

§ 1243.52a. Clarification of the terms “written” and “signature” – statement of policy.

(a) The term “written” at § 1243.52(b) (relating to payment conditions for various services) includes requests for laboratory procedures that are handwritten or transmitted by electronic means.

(b) Written requests, transmitted by electronic means, must be electronically encrypted or transmitted by other technological means designed to protect and prevent access, alteration, manipulation or use by any unauthorized person.

(c) The term “signature” at § 1243.52(b)(5) includes a handwritten or electronic signature that is made in accordance with the requirements of the Electronic Transaction Act (73 P.S. §§ 2260.101 - 2260.5101).