

STATEMENTS OF POLICY

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 1101, 1102, 1121, 1123, 1149, 1151, 1163, 1181, 1187, 1230 AND 1243]

Policy Clarification Regarding Written Prescriptions, Orders and Requests

Scope

These statements of policy apply to providers enrolled in the Medical Assistance (MA) Program who order, prescribe or request services or items.

Purpose

The purpose of these statements of policy 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) regulations in the following 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 dentists’ 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 these 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 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.

The Centers for Medicare and Medicaid Services supports the use of electronic prescribing as a means to reduce medication errors. The Department is issuing these statements of policy to clarify that the terms “written” and “in writing” include prescriptions, orders and requests transmitted using electronic media. Providers shall continue to comply with applicable laws and regulations. These statements of policy do not supersede any existing law or regulation.

Regulation Interpretation

The interpretations are set forth in Annex A.

Effective Date

These statements of policy are effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

The contact person for these statements of policy is the Regulations Coordinator, Office of Medical Assistance Programs, Bureau of Policy, Budget and Planning, (717) 772-6341.

HARRIET DICHTER,
Secretary

(Editor’s Note: Title 55 of the Pennsylvania Code is amended by adding statements of policy in §§ 1101.66a, 1102.34a, 1121.52a, 1123.2a, 1149.43a, 1151.41a, 1163.451a, 1181.257a, 1187.2a, 1187.32a, 1187.55a, 1230.52a and 1243.52a to read as set forth in Annex A.)

Fiscal Note: 14-BUL-92. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART III. MEDICAL ASSISTANCE MANUAL

CHAPTER 1101. GENERAL PROVISIONS

FEES AND PAYMENTS

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

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

CHAPTER 1102. SHARED HEALTH FACILITIES

ADMINISTRATIVE RESPONSIBILITIES OF OPERATORS

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

(a) The term “written” in § 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.

CHAPTER 1121. PHARMACEUTICAL SERVICES

PAYMENT FOR PHARMACEUTICAL SERVICES

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

(a) The term “written” in § 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.

**CHAPTER 1123. MEDICAL SUPPLIES
GENERAL PROVISIONS**

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

(a) The term “written” in the definition of “shoe inserts” in § 1123.2 (relating to definitions) 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.

**CHAPTER 1149. DENTISTS’ SERVICES
PROVIDER PARTICIPATION**

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

(a) The terms “in writing” and “written” in § 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” in § 1149.43(8)(vi) includes a handwritten or electronic signature that is made in accordance with the Electronic Transaction Act (73 P. S. §§ 2260.101—2260.5101).

**CHAPTER 1151. INPATIENT PSYCHIATRIC SERVICES
PAYMENT FOR INPATIENT PSYCHIATRIC SERVICES**

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

(a) The term “in writing” in § 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.

**CHAPTER 1163. INPATIENT HOSPITAL SERVICES
Subchapter B. HOSPITALS AND HOSPITAL UNITS UNDER COST REIMBURSEMENT PRINCIPLES
PAYMENT FOR COST REIMBURSED HOSPITAL SERVICES**

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

(a) The term “in writing” in § 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.

CHAPTER 1181. NURSING FACILITY CARE

Subchapter B. MANUAL FOR ALLOWABLE COST REIMBURSEMENT FOR SKILLED NURSING AND INTERMEDIATE CARE FACILITIES

OTHER COST ITEMS

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

(a) The term “written” in § 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.

CHAPTER 1187. NURSING FACILITY SERVICES

Subchapter A. GENERAL PROVISIONS

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

(a) The term “written” in the definition of “specially adapted DME” in § 1187.2 (relating to definitions) 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.

Subchapter D. DATA REQUIREMENTS FOR NURSING FACILITY APPLICANTS AND RESIDENTS

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

(a) The term “written” in § 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.

Subchapter E. ALLOWABLE PROGRAM COSTS AND POLICIES

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

(a) The term “written” in § 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.

CHAPTER 1230. PORTABLE X-RAY SERVICES

PAYMENT FOR PORTABLE X-RAY SERVICES

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

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

CHAPTER 1243. OUTPATIENT LABORATORY SERVICES

PAYMENT FOR OUTPATIENT LABORATORY SERVICES

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

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

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