

STATEMENTS OF POLICY

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 5200, 5210 AND 5320]

Clarification Regarding Written Prescriptions, Orders and Requests

Scope

This statement of policy applies to facilities licensed under Chapters 5200, 5210 and 5320 (relating to psychiatric outpatient clinics; partial hospitalization; and requirements for long-term structured residence licensure).

Purpose

The purpose of this statement of policy is to clarify the term “written” as it applies to prescriptions and orders under the Department of Public Welfare’s (Department) regulations in Chapters 5200, 5210 and 5320.

Discussion

Licensure regulations in Chapters 5200, 5210 and 5320 state that prescriptions and orders shall be written and in some instances also require a signature. When these regulations were adopted, “written” was generally accepted to mean that the practitioner transcribed a signature and the prescription or order 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 and orders is becoming more commonplace.

The Department is issuing this statement of policy to clarify that “written” includes prescriptions and orders transmitted using electronic media. Providers shall continue to comply with applicable laws and regulations. This statement of policy does not supersede existing laws or regulations.

Effective Date

This statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

The contact person for this statement of policy is the Regulations Coordinator, Office of Mental Health and Substance Abuse Services, Bureau of Policy, Planning and Program Development, (717) 772-7900.

BEVERLY D. MACKERETH,
Secretary

(Editor’s Note: Title 55 of the *Pennsylvania Code* is amended by adding statements of policy in §§ 5200.42b, 5210.58b and 5320.53a to read as set forth in Annex A.)

Fiscal Note: 14-BUL-102. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART VII. MENTAL HEALTH MANUAL

Subpart D. NONRESIDENTIAL AGENCIES/ FACILITIES/SERVICES

CHAPTER 5200. PSYCHIATRIC OUTPATIENT CLINICS

MISCELLANEOUS PROVISIONS

§ 5200.42b. Clarification of the term “written”— statement of policy.

(a) The term “written” in §§ 5200.42(b)(1) and 5200.42a (relating to drugs and medications; and medication prescription—statement of policy) includes prescriptions that are handwritten or recorded and 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 an unauthorized person.

CHAPTER 5210. PARTIAL HOSPITALIZATION

MISCELLANEOUS PROVISIONS

§ 5210.58b. Clarification of the term “written”— statement of policy.

(a) The term “written” in §§ 5210.58(b)(1) and (2) and 5210.58a (relating to drugs and medications; and medication prescription—statement of policy) includes prescriptions and orders that are handwritten or recorded and 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 an unauthorized person.

Subpart E. RESIDENTIAL AGENCIES/FACILITIES/SERVICES

CHAPTER 5320. REQUIREMENTS FOR LONG-TERM STRUCTURED RESIDENCE LICENSURE

Subchapter F. THERAPEUTIC PROGRAM

§ 5320.53a. Clarification of the term “written”— statement of policy.

(a) The term “written” in § 5320.53 (relating to medication) includes orders that are handwritten or recorded and 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 an unauthorized person.

(c) The term “countersigned” in § 5320.53(a)(7)(ii) includes a handwritten or electronic signature that is made in accordance with the Electronic Transactions Act (73 P. S. §§ 2260.101—2260.5101).

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