

There are 2 key parts of this document that are important related to this fact:

- DELAYS the elimination of e-prescribing to a pharmacies fax machine until 1-1-2012.
- E-prescribing incentives for physicians WILL start on 1-1-09. (pg 672-705)

Delays to e-prescribing section (pg 325-356):

- Definition of e-prescribing: transmission, using electronic media, of prescription or prescription-related information, between a Prescriber, dispenser, PBM, or health plan in either direction or through an intermediary, including an e-prescribing network.
- E-prescribing rule only pertains to Medicare part D eligible individuals. (Key word is eligible. You don't need to have a Medicare D Plan to be covered by this legislation.)
- Removal of the Fax exemption has been delayed from Jan 1, 2009 to Jan 1, 2012 to coincide with the incentive provisions contained in the MIPPA legislation.
 - This includes MD sending scripts or pharmacies sending electronic refill requests.
 - As of Jan 1, 2012 - computer generated fax are allowed during transient/temporary network transmission failures.
- It clarifies those Prescribers who electronically transmit prescriptions and other prescription related information for covered drugs prescribed for Medicare Part D eligible individuals directly or through an intermediary, are required to comply with this final standard.
- Confirmed Jan 1, 2009 - NCPDP Script Standard 5.0 is the standard. As of April 1, 2009 - Script standard 8.1 will be the new "NCPDP SCRIPT" that is required.
- Confirms that long term care facilities are still exempt from this legislation.
- CMS has no jurisdiction over DEA authority. Currently DEA doesn't allow e-prescribing of CII. (Strange they didn't mention C3-5 as not being able to e-prescribe now that they put out true definition as the DEA doesn't allow e-signatures for C2-5.)
- MIPPA provides payment incentives for eligible professionals who are "successful electronic prescribers" as that term is defined in the law.
- Incentive payments for prescribers are 2 percent of the eligible professional's allowed charges under PFS for CY 2009 through CY 2010; 1.5% in CY 2011 through CY 2012 and 0.5% in CY 2013. They also refer to payment reductions or disincentives for those who are not considered successful e-prescribers starting in CY 2012.