



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HEALTH

October 21, 2019

Danae M. Powers, MD
President, Board of Trustees
Pennsylvania Medical Society
777 E. Park Drive | PO Box 8820
Harrisburg, PA 17105-8820

Dear Dr. Powers:

Thank you for your letter concerning Act 96 of 2018 and the related guidance issued by the Department of Health. We appreciate the Pennsylvania Medical Society's (PAMED) attention to this issue and partnership in educating your members on changes to the industry.

As you articulated in your September 3, 2019 letter, Act 96 provides for certain automatic statutory exceptions. Based on the feedback you provided the Department plans to issue an updated Frequently Asked Questions (FAQ) document clarifying some of the outstanding issues surrounding the statutory exception specifically relating to internet access and electronic health record systems. The following language will replace previously published language:

Q: If a practitioner has internet access but does not have an electronic health record system, do they do they need to electronically prescribe controlled substances as required in Act 96 of 2018?

A: The Department of Health will not take action against a practitioner if the practitioner has internet access but the practitioner does not have an electronic health record system. Under this circumstance, a practitioner is not required to apply for a hardship exemption and is therefore not required to e prescribe

Q: If a practitioner does not have internet access but has an electronic health record system, do they need to electronically prescribe controlled substances as required in Act 96 of 2018?

A: . The Department of Health will not take action against a practitioner if the practitioner has an electronic health record system, but the practitioner does not have internet access. Under this circumstance, a practitioner is not required to apply for a hardship exemption and is therefore not required to e prescribe

Additionally, while the department works to promulgate regulations, it is accepting petitions for temporary exemptions from the requirements in Act 96. These temporary exemptions are subject to approval by the department and preliminary in nature, pending final publishing of regulations as stated in Section 11(b.6) of the act.

I hope this addresses your concerns regarding these provisions and want to assure you that the Department of Health plans to prioritize practitioner education around the requirements in Act 96 of 2018. We hope to include PAMED in these educational efforts, knowing your partnership will prove invaluable to success.

Again, thank you for your time and commitment to this issue and for all the work you do for the Commonwealth.

Sincerely,

A handwritten signature in blue ink, appearing to read 'RLV MD', is positioned below the word 'Sincerely,'.

Rachel L. Levine, MD
Secretary of Health