



IDFPR

GUIDANCE ON IMPLEMENTING THE E-PRESCRIPTION MANDATE IN P.A. 103-0425

Public Act 103-0425, effective January 1, 2024, provides economic hardship and low volume waivers on an electronic prescription mandate for controlled substances.

Under the hardship waiver, a prescriber shall not be required to issue prescriptions electronically if, prior to January 1, 2026, the prescriber demonstrates financial difficulties in buying or managing an electronic prescription system. On and after January 1, 2026, a prescriber shall only be exempt (under the hardship criteria) if they provide proof of a waiver from the federal Centers for Medicare and Medicaid Services for the Electronic Prescribing Substances Program due to demonstrated economic hardship for the previous compliance year.

Under the low-volume waiver, a prescriber shall not be required to issue prescriptions electronically if they certify that they will issue 150 or fewer prescriptions during a 12-month period. However, beginning January 1, 2029, the ceiling on the low-volume waiver drops to 50 prescriptions in a 12-month period.



How will a prescriber certify that they qualify for the low-volume waiver? Will that be an attestation question without documentation?

- Prescribers will answer an attestation-type question for the waiver on their license renewal application. At this time, the Department does not plan to require documentation.

In general, what kind of documentation is required for a waiver?

- For the hardship waiver, the Department will require documentation reporting annual income. Additionally, prescribers seeking the waiver will have to provide two quotes documenting the cost of implementing electronic transmission capabilities. This documentation will be kept by the licensee and produced to the Department upon request.

Can prescribers re-apply for waivers?

- Prescribers can reapply for waivers during a renewal cycle.

Is there a deadline for requesting a hardship waiver or a low-volume waiver?

- There is no deadline to request a waiver. However, starting in January 2026, in order to qualify for the hardship waiver, you must submit proof of a waiver from the Centers for Medicare and Medicaid Services for the Electronic Prescribing for Controlled Substances Program due to demonstrated economic hardship for the previous compliance year.