



Insights

Are you ready for changes to Medicare Part D prescription requirements?

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In October of 2018, Congress passed the SUPPORT for Patients and Communities Act ("SUPPORT Act"), a measure attempting to address the opioid epidemic at the national level. Two sections of the SUPPORT Act specifically mandate changes that will likely affect most providers, including the electronic submission of prescriptions for controlled substances and prior authorization requests by January 1, 2021, with few exceptions.

Pursuant to Section 2003 of the SUPPORT Act, all health care practitioners shall transmit a prescription for a Medicare Part D Schedule II, III, IV, or V controlled substance electronically in accordance with a prescription drug program that meets statutory requirements on and after January 1, 2021. Section 2003 provides a number of exceptions from this requirement, including a waiver of such requirements under certain circumstances. Health care providers should also expect an update to current biometric multifactor authentication requirements for controlled substance prescriptions later this year.

Similarly, Section 6062 requires electronic submission of prior authorization requests for all Medicare Part D drugs to the Sponsor or Medicare Advantage Organization offering such plan. Section 6062 also requires that a provider's electronic submission system comply with certain standards yet to be issued by the Health and Human Services ("HHS") Secretary, though it specifies that a facsimile will no longer be an acceptable submission practice.

Indiana has not yet passed any measures that align with either Section 2003 or 6062 for purposes of Medicaid or commercial insurance. Providers should keep an eye out for systems requirements published by HHS or the Centers for Medicare and Medicaid Services, and promptly assess their current systems and contracts to determine what, if any, changes should be implemented. Similarly, Indiana Medicaid or commercial insurance plans may adopt similar requirements over the next two years.

Please contact Brandon W. Shirley, bshirley@kdlegal.com or Stacy Walton Long, slong@kdlegal.com for questions about your organization's compliance with these new requirements.