

SR 81/ HR 108 (2011)

Report

Legislative Workgroup on Electronic  
Prescribing and Electronic Prior  
Authorization

1/23/2012

I) Senate Resolution 81 (Senator Mills) and House Resolution 108 (Representative LeBas)

A) Purpose

To study and make recommendations to the legislature concerning electronic prescribing which at a minimum would accomplish and/ or address the following

- 1) Seek to limit marketing in electronic health record systems.
- 2) Seek to encourage the provision of evidence based information at the point of care for the prescriber and patient.
- 3) Standardize prior authorization to maximize administrative simplification and efficiency and adopt a universal prior authorization form to be made available for electronic use.
- 4) Provide for a patient's freedom of choice with respect to the selection of a pharmacy.
- 5) Provide for user authentication, audit, and physical security.
- 6) Best practices to maintain a neutral platform for the secure electronic transmission of health data including, but not limited to medication history, formulary status, and other patient information health professionals typically access when prescribing medication and other interventions.
- 7) Best practices to assure attempts to influence, through economic incentives or otherwise, the prescribing decisions of the practitioner at the point of care can be kept to a minimum and focused on patient safety and outcomes that maximize patient and provider freedom of choice.
- 8) Best practices to assure messages in electronic prescribing systems are substantially supported by scientific evidence, accurate, up to date, and fact based, including a fair and balanced presentation of risks and benefits, and support for better clinical decision making, such as alerts to adverse events and access to formulary information.
- 9) Best practices to establish a process to provide electronic prior authorization request and approval transactions between providers and group purchasers.

B) Membership - one representative each

- 1) Louisiana State Board of Pharmacy who will serve as co-chair
- 2) Louisiana State Board of Medical Examiners who will serve as co-chair
- 3) Department of Health and Hospitals
- 4) Department of Insurance
- 5) Louisiana State Medical Society
- 6) Louisiana Academy of Family Physicians
- 7) Louisiana Independent Pharmacies Association
- 8) Pharmaceutical Researchers and Manufacturers of America
- 9) Louisiana Association of Health Plans
- 10) Louisiana Health Care Quality Forum
- 11) Louisiana Hospital Association
- 12) Louisiana Worker's Compensation Corporation
- 13) Louisiana Association of Self Insured Employers
- 14) eQHealth Solutions
- 15) National Association of Chain Drug Stores
- 16) Louisiana Orthopedic Association
- 17) Louisiana State Board of Nursing
- 18) Louisiana Association of Nurse Practitioners
- 19) Medicine Louisiana, Inc
- 20) Louisiana Chapter of the American Academy of Pediatrics
- 21) Louisiana State Board of Optometry Examiners

C) Meetings

The workgroup met on August 19, 2011 at the Board of Pharmacy Offices in Baton Rouge. Background information on the evolution of e-prescribing electronic prescribing of controlled substances electronic prior authorizations and information relating to legislation in several states was discussed. Background information that was used by the workgroup maybe found in the appendices

Subsequently staff drafted the report inviting feedback from the participants which was incorporated in subsequent drafts. The Workgroup received permission to extend the submission deadline one month to facilitate participant review. A second meeting of the workgroup was held on January 18, 2012. Comments on the final draft from the participants may be also found in the appendices.

## II) Background and Findings

### A) Regulatory framework

- 1) State laws govern the prescribing and dispensing of prescription drugs by licensed health care professionals as well as the practice of pharmacy.
- 2) Federal law sets minimum standards for prescribing, transmitting, and dispensing controlled substances.

### B) Electronic prescribing and electronic prior authorization

- 1) Electronic prescribing is the generation, transmission and filling of a prescription by electronic means
- 2) Electronic prior authorization is the process of obtaining pre-approval from a payer for specified medications or quantities of medications, by electronic means
- 3) Electronic prescribing is replacing paper prescribing in the United States and elsewhere. Electronic prior authorization will soon follow.
- 4) Electronic prescribing and electronic prior authorization when compared to paper prescribing and paper and telephone prior authorization has the potential to improve the quality, safety and cost of care.
- 5) The benefits of electronic prescribing and electronic prior authorization depend on the development of systems that are standardized, user friendly and integrated into related record keeping systems and work flows.
- 6) Standardization electronic prescribing and electronic prior authorization is best achieved through the development of national rather than local standards or mandates
- 7) State initiatives should be limited to removing barriers to implementation, and maximizing opportunities for achieving the benefits of electronic prescribing and electronic prior authorization
- 8) Advertising should not be permitted in electronic prescribing systems. This prohibition should not preclude the inclusion of coverage information

III) Recommendations (purpose #)

- A) Prohibit advertising in electronic medical records to include electronic prescriptions and electronic prior authorization systems. The prohibition on advertising however should not include coverage information (1)
- B) Permit standards for electronic prescriptions and electronic prior authorization to evolve nationally without imposition of standards at the state level (2-9)
- C) Eliminate barriers to implementation of electronic prescriptions and electronic prior authorization in state law and regulation (2-9)

## Appendices

Attached

- A. SR 81 and HR 108 (2011)
- B. Legislative Work Group participants

On line at <http://www.pharmacy.la.gov/>

- C. National Progress Report on e-Prescribing; Surescripts 2010
- D. Electronic Prescribing of Controlled Substances (EPCS); HIMMS June 20, 2011
- E. Electronic Prior Authorizations; HIMMS June 15, 2011
- F. E-Prescribing and e-Authorization Legislation
- G. Report on State Prescribing Laws: Implications for e-Prescribing 2009
- H. Participants comments on Final Draft