

**Memo in Support**  
**S2486 (Hannon)/A4274 (McDonald)**

*An act to amend the public health law and the education law, in relation to electronic prescriptions*

As New York State's Primary Care Association, the Community Health Care Association of NYS (CHCANYS) works closely with the more than 60 federally qualified health centers (FQHCs) that operate approximately 600 sites across the state. FQHCs, also known as community health clinics, are non-profit, community run centers located in medically underserved areas that provide high-quality, cost effective primary care, include behavioral and oral health services, to anyone seeking care, regardless of their insurance status or ability to pay.

CHCANYS strongly supports Senate Bill 2486 (Hannon) /Assembly Bill 4274 (McDonald), which would delay implementation of New York State's electronic prescription law by one year. Under the current law, as of March 27, 2015, all prescribers in New York must use electronic prescribing ("E-prescribing"). However, numerous providers, including FQHCs, will be unable to meet this deadline through no fault of their own due to a delay at the federal level in certifying EHR vendors.

E-prescribing was enacted in 2012 as part of New York's I-STOP legislation, intended to reduce over-prescribing and abuse of prescription drugs by creating a real-time electronic tracking system for prescriptions drugs. Practitioners and pharmacists can access the database to assess the prescription history of patients and prevent over-prescribing. E-prescribing for all drugs, including controlled substances, is scheduled to be implemented two years after the adoption of DOH regulations. That date is March 27, 2015.

New York State FQHCs were early adopters in using EHR and have one of the highest adoption rates for EHRs in the country (97%). Our providers are well-versed in integrating technology into their clinical practice and, as such, are well-equipped to easily transition to e-prescribing. While we support the intent of the law, and recognize the utility that e-prescribing will bring to providers, we are concerned they will be penalized for non-compliance due to a technical complication over which they have no control.

Because New York State is requiring that all prescriptions, included controlled substances, be written electronically, any computer applications used for e-prescribing must comply with federal security requirements and be certified by the DEA. Many EHR vendors have not yet been certified by the DEA and therefore are not able to provide our FQHCs with the software necessary to allow providers to e-prescribe. We have heard from some EHR vendors that they expect to be certified sometime during the first quarter of 2015, but they are still waiting for final approval. FQHCs cannot register the e-prescribing software with New York State until it has been certified by the DEA.

We respectfully urge that you pass S2486/A4274 to delay implementation date of e-prescribing for one year to ensure that all practitioners have access to the necessary tools to comply with the law.