

## CMS EPCS Program Waiver Application Fact Sheet

Section 2003 of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act) mandates that Schedule II, III, IV, and V controlled substance prescriptions under Medicare Part D and Medicare Advantage prescription drug (MA-PD) plans be prescribed electronically.

In compliance with the Centers for Medicare & Medicaid Services (CMS) Electronic Prescribing for Controlled Substances (EPCS) Program, prescribers must electronically prescribe at least 70% of their qualifying Schedule II–V controlled substance prescriptions under Medicare Part D, after exceptions, for the measurement year (MY). Each measurement year begins on January 1 and ends on December 31. The CMS EPCS Program waiver application submission period starts mid-September and ends mid-November of each year. For more information, please visit the [CMS EPCS Program webpage](#).

### Where can I view my prescribing and compliance data and the waiver application?

First, go to the [CMS EPCS Prescriber Portal](#). Users will access the EPCS Prescriber Portal by logging in via their Health Care Quality Information Systems (HCQIS) Access Roles and Profile (HARP) account. For assistance with HARP, visit [HARP Help](#). The EPCS Prescriber Portal is for prescribers of controlled substances under Medicare Part D and their support staff to view EPCS compliance status, submit waiver applications, and manage waiver applications.

## Am I eligible to submit a waiver application?

A prescriber who experienced extraordinary circumstance(s) that prevented the prescriber from meeting the CMS EPCS Program requirement during the measurement year has the opportunity to submit a waiver application.

Below are a few examples of possible circumstance(s) beyond control. A prescriber may select up to four reasons in their waiver application if applicable.

- Software limitations not within the control of the prescriber. If the prescriber has software limitations due to circumstances outside the prescriber's control, such as lack of access to an e-prescribing system, the prescriber or their representatives should consider submitting a waiver application.
- Other technological limitations not within control of the prescriber. If the prescriber has technological limitations due to circumstances outside the prescriber's control, such as the service area lacks broadband internet access, the prescriber or their representatives should consider submitting a waiver application.
- Local disaster or emergency that affected the prescriber's ability to electronically prescribe. If the prescriber practices in a geographical area that experienced a local disaster which impacted their ability to e-prescribe, such as prolonged power outages, extensive facility damage, or lack of access to electronic health records and e-prescribing systems, the prescriber or their representatives should consider submitting a waiver application.
- Other circumstances outside the prescriber's control. CMS recommends a prescriber or representative submit a waiver application for any extraordinary circumstance(s) beyond the prescriber's control, such as experiencing an extraordinary event, e.g., cyberattack, flood, or fire, or a disaster that is not included in the automatic Declared Disaster Exception, e.g., tornado, landslide, or winter storm (the examples provided are not inclusive). Waiver applications under this option will be reviewed and determined on a case-by-case basis.

## Waiver Details

### \* Reason(s) for Submitting Waiver Application

- ☐ Software limitations not within control of prescriber (e.g., did not have ability to e-prescribe medications)
- ☐ Other technological limitations not within control of prescriber (e.g., service area lacks broadband access)
- ☐ Local disaster or emergency that affected the prescriber's ability to electronically prescribe (Please provide dates and description in the description box and upload supporting documentation)
- ☐ Other circumstances outside of prescriber's control

## How do I submit a waiver application?

The [CMS EPCS Prescriber Portal & Waiver Application User Guide](#) contains detailed instructions on how to submit a waiver application for a prescriber who didn't meet the 70% compliance threshold for the CMS EPCS Program for the measurement year. The guide provides step-by-step instructions along with screenshots that help in navigating the CMS EPCS Prescriber Portal.

The EPCS Prescriber Portal now has a bulk waiver application submission feature that enables a user to submit a single waiver application for a group of prescribers who are considered non-compliant with the EPCS Program for the measurement year. To get started on a group waiver application, users can enter each prescriber's National Provider Indicator (NPI) number into the NPI search field, separating each with a comma. Users can also copy their comma-separated list of NPI numbers and paste it into the NPI search field.

**Note:** Make sure you have all the information you need to submit the waiver application, including any supporting documents you'd like to upload, if needed, to support the waiver application. For a group waiver application, you must complete and submit the waiver application in a single session in the EPCS Prescriber Portal before logging out. If you don't submit the waiver application before logging out, you'll have to start the waiver application over.

## What supporting documents do I need to include in a waiver application?

In the waiver application, each prescriber or their designated representative must provide a detailed explanation of the circumstances beyond the prescriber's control that prevented the prescriber from meeting the program requirement for the measurement year. A submitter has the option to upload supporting documents, such as a letter from the prescriber's e-prescribing system vendor or a news article describing a local disaster, to the waiver application. Although uploading supporting documents is optional, including them is encouraged to help reviewers during the waiver application review process. Note that all supporting documents submitted with a waiver application will be reviewed by CMS on a case-by-case basis. After submitting a waiver application, the prescriber or their designated representative should keep supporting documents for their own records in case CMS requests additional information to make a final decision on the prescriber's waiver application.

## Waiver Application Guidance

Please note: The examples provided within the table are not intended to be exhaustive. Additional scenarios may apply depending on specific circumstances to be determined on a case-by-case basis.

## Examples of Acceptable Reasons to Submit a Waiver Application

Sample Reason for Submitting a Waiver	Supporting Documentation Examples
Software or other technical limitations not within control of prescriber	<ul style="list-style-type: none"> <li>Documentation showing speed and bandwidth limitations from available internet service providers in the prescriber's area</li> <li>Correspondence with an e-prescribing software program vendor or a pharmacist that describes a continued technical issue</li> </ul>
Local disaster or emergency that affected the prescriber's ability to electronically prescribe for an extended amount of time for example, a local disaster not included in the CMS declared disasters list that cause a loss of power, internet, or infrastructure.	<ul style="list-style-type: none"> <li>Evidence of a disaster or emergency in the prescriber's area that lasted for an extended amount of time and made it impossible to electronically prescribe (such as news articles and local disaster declarations).</li> <li>Evidence that the local disaster or emergency occurred during the same measurement year for which the prescriber is submitting a waiver application. An example of acceptable supporting documentation is a news article mentioning the year a disaster affected the prescriber's service area.</li> </ul>
Other circumstances outside of prescriber's control (for example: Electronic health record (EHR) doesn't support e-prescribing or e-prescribing not available, software program vendor not accurate, lack of knowledge about technology).	<ul style="list-style-type: none"> <li>Communication from Electronic Health Record (EHR) vendor that states that e-prescribing is not available or is not supported by the EHR system and there is a plan to fix the issue</li> <li>A statement from prescriber noting when they anticipate implementing e-prescribing</li> <li>An email chain with the vendor attempting to correct the issue</li> <li>Rejection information or statement from local pharmacies saying they don't accept e-prescriptions</li> </ul>

## Examples of Unacceptable Reasons to Submit a Waiver Application

- Prescriber prefers to handwrite prescriptions
- Prescriber's state doesn't require e-prescriptions
- Submits a waiver application for a different measurement year
- Local/declared disaster occurred after the end of the measurement year

## How do I check the status of my waiver application?

After submitting your waiver application, you will receive a confirmation email from [EPrescribe@cms.hhs.gov](mailto:EPrescribe@cms.hhs.gov). Once CMS has reviewed your waiver application, you will receive another email with the status of your waiver application (i.e., approved or denied). You may also check the status of the waiver application by logging into the CMS EPCS Prescriber Portal and checking the NPI compliance status and waiver application status.

## How do I get help?

For additional help, reach out to the Center for Clinical Standards (CCSQ) Support Central:

- By submitting an [online ticket](#)
- Through emailing [EPrescribe@cms.hhs.gov](mailto:EPrescribe@cms.hhs.gov)
- By calling 1-866-288-8292, Monday–Friday, 8 a.m.–8 p.m. ET
- By calling 711 to reach a telecommunications relay services communications assistant for those who are hearing impaired and for deaf individuals.
  - For faster help, try calling outside peak hours, before 10 a.m. and after 2 p.m. ET