

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 1—Controlled Substances**

EMERGENCY RULE

19 CSR 30-1.080 Electronic Prescribing Waiver

PURPOSE: This rule establishes the process for practitioners to obtain waivers to the electronic prescribing requirements established by section 195.550, RSMo.

*EMERGENCY STATEMENT: Section 195.550, RSMo. requires that, beginning January 1, 2021, no person shall issue any prescription in this state for any Schedule II, III, or IV controlled substances unless the prescription is made by electronic prescription from the person issuing the prescription to a pharmacy, unless one of the listed exceptions applies. One such exception is that the issuing practitioner has obtained a waiver from the Missouri Department of Health and Senior Services due to economic hardship, technological limitations, or other exceptional circumstance. As this deadline approaches, information from practitioners suggests that many practitioners in the state do not meet one of listed exemptions and are in need of a waiver in order to continue providing services to Missouri patients. Emergency implementation of this rule is necessary to prevent an interruption of services to Missouri patients caused by their physicians not being able to issue new prescriptions for Schedule II, III, and IV controlled substances. The Governor has waived the electronic prescribing requirement through March 30, 2021; however, a proposed rule will not be effective by then so the risk of an interruption in services still exists. The waiver, paired with an emergency rule, allows practitioners some time to request waivers in advance of the deadline. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Department of Health and Senior Services believes this emergency rule is fair to all interest persons and parties under the circumstances. This emergency rule was filed December 15, 2020, becomes effective December 31, 2020, and expires June 29, 2021.*

- (1) Practitioners required to utilize electronic prescribing pursuant to section 195.550, RSMo may request a waiver of this requirement from the Department of Health and Senior Services.
- (A) Applications shall only be submitted by practitioners with active Missouri Controlled Substance Registrations. Applications shall not be submitted by a registrant's designee or representative.
 - (B) Applicants requesting a waiver shall submit an application for a waiver by sending their application to BNDDRxWaiver@health.mo.gov. A sample application may be found on the Department's website, www.health.mo.gov/safety/bnodd.
 - (B) The application shall include:
 1. Applicant's first and last name;
 2. Applicant's licensure type;
 3. Applicant's Missouri Controlled Substance Registration number;

4. Applicant's email address.
5. The Applicant shall indicate for which of the following reasons they are seeking a waiver:
 - (1) Economic hardship;
 - (2) Technological limitations; or
 - (3) Other exceptional circumstances
6. The Applicant shall provide any additional details they consider necessary to support their waiver request.
7. The Applicant shall certify that the information included in their application is true and accurate.
8. The Applicant shall sign and date the application. An electronic signature will satisfy this requirement.

(C) Waivers granted by the Department shall be valid for one (1) year after the date on which they are issued.

(D) Waivers shall be kept on file at the practitioner's primary, principle practice location and available for review by the Department.

AUTHORITY: section 195.550, RSMo 2019. Emergency rule filed December 15, 2020, effective December 31, 2020, expires June 29, 2020. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

**Original authority: 195.550, RSMo 2019.*

PUBLIC COST: This emergency rule will cost state agencies or political subdivisions fifty eight thousand, nine hundred and fifty three dollars (\$58,953) in the aggregate for the time the emergency is effective.

PRIVATE COST: This emergency rule will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.