

Signature Requirement and Electronic Prescribing

It is difficult at times to provide optimal patient care. Balancing technology, new regulations, old regulations needing updating, and fear of being noncompliant often leaves little room for patient care. As the use of e-prescribing becomes more mainstream and state and federal mandates take effect, this balancing act becomes more precarious. How do hospices satisfy the need for physical signatures for medications required by the Centers for Medicare (CMS) when medication orders are no longer sent physically to the pharmacy, let alone ever receive any sort of physical signature?

		Requirement Met	Contact Provider
1	Legible full signature	✓	
2	Legible first initial and last name	✓	
3	Illegible signature where the letterhead, addressograph, or other information on the page indicates the identity of the signatory. Example: An illegible signature appears on a prescription. The letterhead of the prescription lists 3 physicians' names. One of the names is circled.	✓	
4	Illegible signature over a typed or printed name	✓	
5	Illegible signature NOT over a typed/printed name and not on letterhead, but the submitted documentation is accompanied by: <ol style="list-style-type: none"> 1. A signature log, or 2. An attestation statement 	✓	
6	Illegible signature NOT over a typed/printed name and NOT on letterhead and the submitted documentation is NOT accompanied by: <ol style="list-style-type: none"> 1. A signature log, or 2. An attestation statement 		✗
7	Initials over a typed or printed name	✓	
8	Initials not over a typed/printed name but accompanied by: <ol style="list-style-type: none"> 1. A signature log, or 2. An attestation statement 	✓	
9	Initials not over a typed/printed name but accompanied by:		✗

	<ol style="list-style-type: none"> 1. A signature log, or 2. An attestation statement 		
10	Unsigned typed note with provider's typed name		✗
11	Unsigned typed note without providers typed/printed name		✗
12	Unsigned handwritten note, the only entry on the page		✗
13	Unsigned handwritten note where other entries on the same page in the same handwriting are signed.	✓	
14	"Signature on file"		✗

CMS requires a "legible identifier" in the form of a handwritten or electronic signature for every service provided or ordered. CR 6698 updated the requirements adding qualifiers for e-prescribed orders. Unfortunately, the "signature" is not accessible on electronic prescription and a pharmacy cannot simply fax over a copy they received. In place of a signature, CMS allows an Attestation Statement placed into the patient's medical record SIGNED and DATED by the author of any medical record of the beneficiary. The statement MUST include sufficient information to identify the beneficiary. CMS does not require any certain format or form at this time.

An attestation statement is active from the date signed forward for the signing of INDIVIDUAL practitioner. They are not retroactive. How would a hospice work an attestation statement into their workflow?

- "Signed orders" are unnecessary for e-prescribed non-controlled medications and DME. A medication sheet stating the date and time of the electronic prescription satisfies the requirement.
- An attestation statement form could become part of the admitting process for every new patient. It is already in place within the event it is ever needed.
- The statement could be signed and held back and faxed with any medication sheet to a facility or with any transfer of a patient.
- An example attestation statement form is located at:
<https://certprovider.admedcorp.com/Content/AttestationLetters/SignatureAttestation.pdf>

States mandating electronic prescribing are increasing every year and individual pharmacies are beginning to fill only electronically sent prescriptions starting with Walmart in July of 2020. The need to update practices ensuring patients can receive the medications prescribed is an important part of patient care.

References:

https://www.cqsmedicare.com/hhh/medreview/sig_guidelines.html
 Cms.gov. N. p., 2018. Web. 15 Nov. 2018.