



May 25, 2010

Dear Valued Clients,

Many of you are hearing about a proposed rule published in the Federal Register recently pertaining to prescribing controlled substances. There are some things you need to know about concerning this regulation.

1. The most important thing to know is that even though the proposed rule says it will take effect on June 1<sup>st</sup>, it will most likely take longer than originally expected. They have asked for comments and will need to revise the proposed rule to accommodate changes based on public comment. They also do not have enough details in the rule for anyone to be able to begin sending e-Rxs for controlled substances any time soon. The last time the DEA published a proposed rule on this was 2 years ago and it has taken them this long to address public comment and come up with a different methodology.
2. The rule would require that a physician with a DEA license have their identity verified by a credentialing body who would then provide them with some sort of electronic credentials such that they could then be set up in an EHR with the rights to eRx controlled substances.
3. After a physician is credentialed, there will need to be a 2 person process to grant them access to the functionality in the software that will allow them to write these prescriptions. NextGen will modify security settings to allow for this process. A system admin person will have to verify the physician's credentials enter their data in the system, and then the physician will have to complete the process either through biometrics or using a hard token like the RSA token (rolling code).
4. Once the physician is registered with these rights in the system, they will have to enter a password and either use biometrics or the hard token every time they write a prescription for a controlled substance. NextGen is already working on the development specs to address the required functionality.
5. Before physicians can use software, the software has to go through an audit process. The audit process is not yet defined but for us, may simply be CCHIT certification. All software along the chain has to be audited so that means pharmacy systems and

SureScripts systems. It is believed that due to the tightly regulated rule, NextGen will be very deliberate during the audit process.

So as you can see, this regulation is not ready to roll out for a number of reasons. We will keep you posted as things progress and will notify you when it's time to begin having your identity verified in order to get your credentials. Pharmacies have yet to go through the required audit and we'll include ongoing details when they are released. In addition, we will provide information about getting the biometric readers (must meet certain NIST standards to be allowed) or purchasing the hard tokens. And bear in mind that NextGen will require you to upgrade to 5.6 because they will not be able to back patch this extensive new functionality.

Please feel free to call us if you have any concerns or questions.