

NYRx Prescription Requirements and Regulations

Prescriptions and Fiscal Orders

Prescription drugs require a prescription. Non-prescription drugs, often referred to as over the counter (OTC) drugs, require a fiscal order. Both prescriptions and fiscal orders must include the following:

- The name, address, age, and client identification number (CIN) of the patient for whom it is intended. If the CIN does not appear on the order, the prescription should only be filled if the CIN is readily available in the pharmacy records.
 - The date on which it was written.
 - The name, strength (if applicable), and the quantity of the drug prescribed.
 - Refills (if applicable) must be notated using a number. As needed (PRN) or time frames are not permitted.
 - Directions for use (if applicable).
 - The name, address, telephone number, profession, Drug Enforcement Agency (DEA) Number (if applicable), and signature of the prescriber who has written or initiated the prescription or fiscal order.

Who May Prescribe for New York State Medicaid Members

Licensed Providers

- Licensed providers authorized to prescribe by New York State (NYS) must be enrolled in the New York State (NYS) Medicaid program to prescribe to NYS Medicaid members. For information about enrolling, see [eMedNY Provider Enrollment](#).
- Enrolled Registered Physician Assistants (RPAs) may prescribe subject to any limitations imposed by the supervising physician. The NYS Medicaid member must be under the care of the physician responsible for the supervision of the RPA.

Unlicensed Physicians

- Interns, Residents, and Foreign Physicians in Training Programs.
 - Physicians in training programs who are not licensed are not eligible to enroll in NYS Medicaid but may prescribe for NYS Medicaid enrollees as outlined in the Centers for Medicare and Medicaid Services' (CMS) Medicaid Provider Enrollment Compendium (MPEC).
- Billing Guidance for Unlicensed Physicians

- To allow claims by unlicensed physicians who are authorized to prescribe, pharmacies must override the NCPDP Reject code "889" (Non-Matched Prescriber ID).
- For information about the override process, see the [NYRx Pharmacy Manual Policy Guidelines](#).

Serial Number and Origin Code Requirement

- The serialized number from the Official New York State Prescription (ONYSRx) and an accurate Origin Code must be used when submitting claims for prescriptions written on an ONYSRx form.
- The pharmacist is responsible for making a good faith effort to verify the prescriber's identity and validity of the prescription if the prescriber is unknown to the pharmacist for all prescriptions.

Forms of Submission

Telephone Orders

- Telephoned non-controlled prescription drug orders are considered original. A follow-up hard copy is not required.
- Telephoned controlled prescriptions must follow all rules in 10 NYCRR Part 80 including the requirement of an original order (follow-up hard copy) provided to the pharmacy from the prescriber within the time frame specified.
- Telephoned fiscal orders for OTC drugs or durable medical equipment (DME) items or supplies are not considered original; the pharmacy must obtain the original signed fiscal order (follow-up hard copy) from the ordering practitioner within 30 calendar days of the documented telephone order date.
- Must be reduced to writing, either through written communication or electronic record, indicating the time of the call and initials of the pharmacist.
- Must be recorded using a format that conforms to requirements of the NYS Education Law with regard to permitting substitution or dispensing as ordered.
- Prescriptions for multi-source brand drugs requiring "dispense as written" and "brand necessary" may be ordered over the telephone, the pharmacist must notate such on the oral order.

Facsimile Orders

- Prescribers may fax prescriptions and fiscal orders for drugs directly to a pharmacy unless otherwise prohibited by state or federal law or regulations.

- The pharmacist is responsible for making a good faith effort to verify the validity of the prescription and the prescriber's identity if the prescriber is unknown to the pharmacist.
- A faxed order must originate from a secure and unblocked fax number from the prescriber. The source fax number must be clearly visible on the fax that is received.
- A faxed order must include the physician's stamp and signature.
- Each faxed prescription or fiscal order may include only one (1) drug on a serialized ONYSRx form. Lists of drugs are not acceptable as faxed orders. Non-controlled drugs ordered from a nursing home are exempt from this requirement.
- A faxed order for prescription drugs, OTCs, and DME not on the ONYSRx form is not considered an original order and requires a follow-up hard copy.
- Faxed order forms from an intermediary may not be used as a prescription to submit a claim.
- Faxed forms, including enrollment into Patient Assistance Programs for specific medications, or Prior Authorization or Insurance information with prescription information and prescriber signature may not be used as a prescription to submit a claim.
- "Faxbacks" may not be used as a prescription to submit a claim.
- Fail-over electronically transmitted prescriptions that come to the pharmacy as a fax may not be used as a prescription to submit a claim.

Electronic Orders

- Pharmacies are not required to generate and keep a hard copy of electronic prescriptions and electronic fiscal orders.
- Original orders received in electronic format may be securely stored electronically.
- Electronic imaging of prescriptions and fiscal orders must result in an exact reproduction of the original order and may be required to be authenticated.

Renewals/New Prescriptions

A NYS Medicaid member who has exhausted prescription refills may obtain a renewal in one of the following three ways:

- The NYS Medicaid member/enrollee may contact their prescriber for a renewal.
- The NYS Medicaid member/enrollee may contact their pharmacy for a renewal and give the pharmacy consent to contact the prescriber on their behalf.
- The pharmacy may contact the NYS Medicaid member/enrollee to inquire if a renewal is necessary, obtain consent if necessary, and then contact the prescriber on their behalf.

Refills

- Prescriptions written for NYRx are valid for up to one year from the date written. Most maintenance medications are covered for up to a 90-day supply per fill. Oral contraceptives may be dispensed up to a one-year supply per fill.
- Per state regulation, a prescription or fiscal order may not be refilled unless the practitioner has indicated the number of allowable refills on the order. All refills of prescription drugs must be in accordance with federal and state laws and bear the prescription number of the original prescription.

Obtaining a Refill

- The NYS Medicaid member or their authorized agent may contact their pharmacy requesting a refill.
- The pharmacy may contact the NYS Medicaid member to inquire if a refill is necessary, obtain consent if necessary, and then submit a claim for dispensing on their behalf.

Automatic Refill

- Automatic refilling is not allowed under the NYS Medicaid program.
- Automatic refill programs offered by pharmacies are not an option for NYS Medicaid members.

Early Refill

- Members are allowed to refill a prescription before the total amount of the previous supply is used.
- A pharmacy claim will be paid when more than 75 percent of the previously dispensed amount has been used, or up to a ten-day supply of medication is remaining of the cumulative amount that has been dispensed over the previous 90 days (the more stringent rule will apply).

Lost or Stolen Prescriptions

- Pharmacy providers should instruct members who have lost or had their prescription stolen to contact their prescriber.
- The decision to honor a member's request for authorization of a replacement supply is based on the professional judgment of the prescriber.
- Prescribers may initiate a prior authorization request for a lost or stolen medication by contacting the eMedNY Call Center at 800-343-9000. Replacement, if granted, will be approved for up to a 30-day supply of medication.

Vacation Requests

- NYS Medicaid ensures an ample medication supply to accommodate most temporary absences.
- NYS Medicaid does not provide additional medication supplies for vacations. Members should prepare in advance of travel to use the options available to ensure they have the supply needed for a temporary absence including:
 - Requesting a prescription for a 90-day supply of maintenance medications from their prescriber.
 - Refilling early as allowed according to [Early Refill](#).
 - Early filling of more than the allowed amount for vacation or a temporary absence is not permissible

Transfers

- Transfers are allowed for a refill when all other state laws and NYS Medicaid policies are adhered to.
- The written date of the original order should be used and only one refill at a time may be transferred.
- Changing a written date/adding refills to a transferred prescription is considered fraudulent billing.

Pick-Up/Delivery Receipt

- Pharmacies/DME providers must obtain a signature from the NYS Medicaid member, their caregiver, or their designee to confirm receipt of the prescription drugs, over-the-counter products, medical/surgical supplies, and DME items when picked up from the provider.
- The pharmacy must have documentation confirming the prescription number(s), date of pick-up, and signature.
 - One signature is sufficient for multiple prescriptions being picked up at one time.
 - Claim submission is not proof that the prescription or fiscal order was provided to the member.
 - A pharmacist must counsel the patient about their prescriptions and maintain documentation that this occurred. This is required both for pickup and delivery of medication.
 - NYS Medicaid claims for prescription drugs, over-the-counter products, or medical/surgical supplies that were not provided (i.e., no proof of receipt) to the NYS Medicaid member must be reversed within 14 days of the fill date.

- Delivery of prescription drugs, over-the-counter products, medical/surgical supplies, and DME is an optional service that can be provided to an NYS Medicaid member at no additional cost to the member.
- Delivery may be to a member's home or current residence including a housing facility, shelter, or medical facility.
- Pharmacies/DME providers must obtain a signature from the NYS Medicaid member, their caregiver, or their designee to confirm receipt of any out-of-state, in-state controlled substance or medical facility delivery.
- Pharmacies/DME providers must maintain proof of delivery documentation such as industry tracking receipts for in-state non-controlled substance deliveries.

Resources

- [NYRx Education & Outreach Website](#)
- [NYRx Pharmacy Manual Policy Guidelines](#)

Contact Information

The NYRx Education and Outreach Call Center is available at 833-967-7310 from 8:00 AM to 5:00 PM ET, Monday through Friday, excluding holidays.

The Education and Outreach team hosts virtual office hours every week for stakeholders to ask questions related to NYRx and care coordination. Visit the [NYRx Education & Outreach website](#) for more information.