



July 29, 2016

The Honorable Andrew M. Cuomo
Governor of New York State
NYS Capitol Building
Albany, NY 12224

Dear Governor Cuomo:

Thank you for the opportunity to express our views regarding A.9334/S.6778, which would allow non-electronic prescriptions to be made through the long-established mechanism of oral prescriptions being submitted by nursing homes for their residents. LeadingAge New York, representing nearly 500 not-for-profit and public long-term care providers, including nursing homes, home care agencies, senior housing, retirement communities, assisted living, adult care facilities, adult day health care, and managed long term care, supports A.9334/S.6778 and urges that it be signed.

Regulations mandating electronic prescribing for all medications went into effect earlier this year, but the Department of Health issued a delay until March 2017 due to the significant implementation problems in the nursing home setting which, if left unaddressed, would cause medication errors, delays in medication administration, increased hospitalizations, or other negative outcomes. While we appreciate the delay, we believe that this should be a permanent exemption. One of the most pressing challenges in the nursing home environment is the lack of physician availability. The majority of nursing homes do not have physicians on staff or daily visits by a practitioner, thus requiring nurses to take on an integral role in the assessment of patient/resident condition and communication to the physician as changes occur. Physicians rely heavily on nurses to relay clinical information over the phone, and they often lack access to computers or an electronic medical record (EMR) to be able to safely evaluate and transmit a prescription for a new medication when they are not at the facility. Waiting for the physician to have access could create treatment delays that could lead to adverse outcomes.

Additionally, the nursing home cannot administer the medication without a medical order. Therefore, in some cases where there is no EMR system that is accessible offsite, there is a work flow process concern in getting the order to the nursing home when it is communicated only to the pharmacy electronically. Electronic prescribing software that is not tied to a medical record does not transmit to the nursing home, creating an additional communication need with the potential to create medication errors.

Lastly, many nursing homes currently do not utilize EMRs due to financial constraints. For those facilities, it would be a challenge for physicians even during normal business hours. Many facilities also face challenges with technology related to the expense of EMRs and health information exchange and/or access to internet services in rural areas.

For these reasons, LeadingAge New York respectfully requests that you sign A.9334/S.6778, legislation providing a permanent exemption from the electronic prescribing requirements for certain oral prescriptions. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Clyne Jr." with a stylized flourish at the end.

James W. Clyne Jr.
President/CEO