

## e-Prescribing Waivers & Exemptions

Michigan's statute allows for a [waiver](#) to be issued if a prescriber cannot meet the electronic prescribing requirements and provides exemptions to the e-prescribing mandate.

Below are some of the exemptions that may be pertinent to primary or specialist practices:

- If the prescription is issued under a circumstance in which electronic transmission is not available due to a temporary technological or electrical failure.
- If the prescription is issued by a prescriber who reasonably believes that electronically transmitting the prescription would make it impractical for the patient who is the subject of the prescription to obtain the prescription drug in a timely manner and that the delay would adversely affect the patient's medical condition. A prescriber who does not electronically transmit a prescription under this subdivision shall document the specific reason for his or her belief that the delay would adversely affect the patient's medical condition.
- If the prescription is orally prescribed under section 7333(3) or (4). **Note:** The Michigan State Medical Society has stated: "E-prescribing law does not permit call-in prescriptions for non-controlled substances unless a situation arises that meets one of the other exceptions to the e-prescribing requirement under MCL §333.17754a(5), such as a temporary technological or electrical failure, if the prescriber has a waiver, if the prescription is to be dispensed out of state, etc. If an exception applies, then it is our understanding that the prescription may be issued in any form that is otherwise appropriate for transmitting a prescription, such as a paper prescription, oral prescription, fax prescription, etc."
- If the prescription is issued by a prescriber to be dispensed outside of this state.
- If the prescription is issued by a prescriber who is located outside of this state to be dispensed by a pharmacy located inside of this state.
- If the prescription is issued and dispensed in the same health care facility and the individual for whom the prescription is issued uses the drug exclusively in the health care facility, including, but not limited to, hospice, dialysis treatment center, a freestanding surgical outpatient facility, skilled nursing facility, long-term care facility that provides rehabilitative, restorative, or ongoing skilled nursing care to an individual who is in need of assistance with activities of daily living.
- If the prescription is for a drug for which the FDA requires the prescription to contain content that cannot be transmitted electronically. If the prescription is issued under circumstances in which the prescriber is not required to include on the prescription a name of a patient for whom the prescription is issued.