



## Clarification to Durable Medical Equipment, Orthotics, Prosthetics and Supplies (DMEPOS) Fiscal Order Acceptance Policy

The following clarification is being made to the DMEPOS fiscal order policy. The documents that are acceptable for a fiscal order have not changed, but clarification has been added for the following:

- Facsimile or electronic orders are acceptable for validation of a telephone orders
- Steps necessary by providers if verification of a telephone order is not provided by the ordering practitioner

The following will replace the definition of a fiscal order on page 5 of the DMPOS Policy Manual:

### FISCAL ORDER

A fiscal order from a practitioner is required by Medicaid to provide supplies, durable medical equipment, prosthetic and orthotic appliances and orthopedic footwear for which prescriptions may not be required by law or regulation. A fiscal order may be a signed written fiscal order, or electronically transmitted fiscal order.

#### Signed Written Fiscal Order

The following signed fiscal orders will be accepted:

- The original signed fiscal order; or
- A facsimile of the original signed fiscal order that is legible and can be validated. The DMEPOS provider must confirm, and keep on file, proof that the facsimile was generated from the ordering provider's place of business. The provider is responsible to make a good faith effort to verify the validity of the order and the practitioner's identity.

#### Electronically Transmitted Fiscal Order

An electronically transmitted fiscal order for DMEPOS will be considered a fiscal order when the following requirements are met:

- The order must originate from the practitioner's computer and must be directly transmitted to the Pharmacy or DME provider's computer or fax.
- The provider is responsible to make a good faith effort to verify the validity of the order and the practitioner's identity. An agent of the provider may not electronically sign the order.

- Providers are required to maintain and retrieve all electronically transmitted fiscal orders for a period of six (6) years from date of payment.
- Electronic Fiscal Orders are considered Electronic Protected Health Information (EPHI). Covered entities must develop and implement policies and procedures for authorizing EPHI access, storing and its transmission in accordance with the HIPAA Security Rule at §164.308(a)(4) and the HIPAA Privacy Rule at §164.508. It is important that only those workforce members who have been trained and have proper authorization are granted access to EPHI.

### Telephone Orders

Telephone orders may be accepted but require DMEPOS and pharmacy providers to obtain follow up verification of the validity of the order. **When an order for DMEPOS is telephoned to a DME or pharmacy provider, the provider must obtain the signed written fiscal order or electronically transmitted fiscal order defined above from the ordering practitioner within 30 calendar days.** If a valid order is not obtained within 30 days, documentation of the attempts to validate the order must be kept in the provider's records. Additional telephone orders from practitioners who do not comply should be rejected until a signed written fiscal order or electronically transmitted fiscal order is provided.

Questions on this policy should be directed to the Bureau of Medial Review at the email of [OHIPMEDPA@health.ny.gov](mailto:OHIPMEDPA@health.ny.gov) or telephone at 1-800-342-3005.