

**2016 NATIONAL ASSOCIATION OF STATE  
CONTROLLED SUBSTANCES AUTHORITIES  
(NASCSA) CONFERENCE**

**MODEL PRESCRIPTION MONITORING  
PROGRAM (PMP) ACT (2016)**

**BRIEF OVERVIEW**

# DRAFTING PROCESS

- Goals
  - ✓ Capture collective knowledge, expertise, experiences
  - ✓ Facilitate enhancements over 3-5 years
- Model Act Drafting Group – 2 meetings
  - ✓ **Barbara Carter – MN**
  - ✓ **Dana Crenshaw – MS**
  - ✓ **Joe Fontenot – LA**
  - ✓ **Christie Frick – SC**
  - ✓ **Lani Ladao – HI**
  - ✓ **Kathy Zahn – ND**

- Assistance to Drafting Group
  - ✓ NABP – Danna Droz
  - ✓ NAMSDL – Heather Gray
  - ✓ AIPM-UWPPSG – Bob Twillman and Aaron Gilson
- Opportunity for review and input
  - ✓ All PMP administrators/managers/coordinators
  - ✓ NASCSA's PMP Committee
  - ✓ NASCSA's Executive Committee/Executive Director
  - ✓ NABP, NAMSDL, AIPM-UWPPSG

## **SUBSTANCES – ADMINISTERING AGENCY**

- Substances monitored
  - ✓ Schedules II – V controlled substances
  - ✓ Drugs of concern
- Administering agency
  - ✓ Neutral – at discretion of state
- Multi-disciplinary advisory committee

# REPORTING AND DATA RETENTION

- Frequency - no later than next business day
- Minimum period of PMP data retention
  - ✓ Discretion of state, e.g., 3 years
- De-identified PMP data
  - ✓ May be used for research or analysis
  - ✓ Minimum period of retention
    - Discretion of state, e.g., 10 years

- PMP data not used for research or analysis
  - ✓ Destroyed
  - ✓ Exception: specific criminal or administrative investigation
- Non-PMP data reported to the PMP
  - ✓ May be maintained in PMP database
  - ✓ Examples: reports of overdoses, convictions for violations of laws, stolen controlled substances prescriptions

# CONFIDENTIALITY/PRIVACY

- PMP data and audit trail information
  - ✓ Confidential
  - ✓ Excluded from public/open records laws
  - ✓ No discovery/compelled production - civil
  - ✓ Inadmissible - civil
- PMP administering agency
  - ✓ Privacy standards and safeguards
  - ✓ Policies/procedures - prevent unauthorized access, disclosure, use

## ACCESS AND USE

- Authorized PMP data users - recommended for all states
  - ✓ Prescriber/delegate
  - ✓ Pharmacist/delegate
  - ✓ Regulatory entity - prescribers/pharmacists/dispensers
  - ✓ Law enforcement – local, state, federal
  - ✓ Drug courts
  - ✓ Medical examiner/coroner/delegate
  - ✓ Medicaid/Medicare agency
  - ✓ Probation/parole officer
  - ✓ Individual or legal representative



- ✓ PMP administering agency - vendor/contractor
- ✓ PMP official - another state, country, or political subdivision thereof
  
- Mandated registration - prescriber/pharmacist and delegate
  
- Authorized PMP data users – options for states
  - ✓ Medical director of managed care organization – Medicaid/Medicare
  - ✓ Executor of will or estate
  - ✓ Licensed substance abuse counselor
  - ✓ Health care facility/entity

- Authorized users of audit trail information
  - ✓ Regulatory entity – prescribers/  
pharmacists/dispensers
  - ✓ Law enforcement – local, state, federal

# INTEGRATION OF PMP DATA

- Access via health/pharmacy IT
- Storage in legal health record or patient profile
- Read only format
- No alteration or inclusion in searchable database except as authorized
- Summaries of PMP data may accompany PMP data
  - ✓ In lieu of PMP data only as authorized

## **UNSOLICITED NOTICES/REPORTS**

- Pattern of inappropriate patient behavior – prescribers and pharmacists
- Pattern of inappropriate prescriber/pharmacist behavior – health professionals' licensing entity
- Reason to believe a violation of laws exists – law enforcement

# IMMUNITY

- PMP administering agency
  - ✓ Exception: lack of good faith, reckless disregard, gross negligence, malice, or criminal intent
- Dispenser/reporting agent
- Authorized user in proper possession of PMP data or audit trail information

## **UNLAWFUL ACTS AND PENALTIES**

- Administrative sanctions
- Criminal sanctions

## **EVALUATION AND REPORTING**

- Costs and information relevant to policy, research, education
- State policymakers, regulatory agencies, public

# QUESTIONS

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