

The National Association of State Controlled Substances Authorities

255 Bear Hill Road, 2nd Floor · Waltham, MA 02451

Telephone: (781) 768-2590

Fax: (781) 768-2591

Email: Kkeough@ICG-PS.com

Web Page: <http://www.nascsa.org>

NASCSA RESOLUTION 2001-04

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Scottsdale, Arizona

Whereas, numerous states are considering enactment of prescription monitoring programs (PMP) and have requested information regarding such programs,

Whereas, the United States Supreme Court has determined that PMP are legitimate state activities that do not inappropriately infringe on patient confidentiality,

Whereas, PMP are authorized within the requirements of HIPAA,

Whereas, NASCSA developed and adopted a Model Prescription Accountability Act and an explanatory statement, "NASCSA Comments on Proposed Model Act," and referred the Model Act and "Comments" to the National Alliance for Model State Drug Laws (NAMSDL) in 1995,

Whereas, NASCSA revised the Model Act and forwarded the revision to NAMSDL in 1996,

Whereas, the Alliance for States with Prescription Monitoring Programs developed a Consensus Statement on Data Elements for Electronic Submission of Controlled Substances Prescriptions in 1996,

Whereas, there have been further developments in prescription monitoring programs since 1996, including some states successfully forwarding information from their PMP to practitioners and dispensers.

Therefore be it resolved, NASCSA recommends to states considering establishment of a prescription monitoring program that they:

- Utilize the Model Prescription Accountability Act, as revised by NASCSA in 1996, (attached) as the basis of their authorizing legislation.
- Review the "NASCSA Comments on Proposed Model Act" as adopted by NASCSA in 1995,
- Utilize the Consensus Statement on Data Elements for Electronic Submission of Controlled Substances Prescriptions, to identify which prescription data elements to collect and, at minimum, to collect those listed as Essential Data Elements.
- Include in Section 5(c), as parties to whom the designated state agency shall be authorized to provide data, the following:
 - Prescribers, for their patients,
 - Dispensers, for their patients,

- Any board or regulatory agency that supervises or regulates a profession that is authorized for controlled substances activity,
 - Law enforcement agencies that have an open drug related investigation,
 - State Medicaid agency, for Medicaid program enrollees,
 - Grand jury subpoena and court order for data, or their equivalent in each state.
- Consider additional safeguards to further protect the confidentiality of prescription data by requiring that: any person to whom the designated state agency provides data with patient identifying information is prohibited from disclosing the data to any unauthorized person.

Be it further resolved, NASCSA's Executive Committee will refer to this resolution to states considering establishment of a prescription monitoring program, the Federal DEA and to the NAMSDL.

ATTEST: _____
President

Date: _____