

Tufts Health Care Institute Program on Opioid Risk Management
Conference on Prescription Monitoring

Updates in State and Federal Legislative Activity Relating to Prescription Monitoring

Michael C. Barnes, Esq.

April 2, 2009



CLAAD

Center for Lawful Access
and Abuse Deterrence

Preview

- State PMPs
- Operational
- Enacted legislation
 - Not yet operating
 - No longer operating
- Legislative proposals
- Unique approaches
- No PMPs, no current proposals
- Federal PMP funding and support
- Hal Rogers
- NASPER



31 States with Operational PMPs

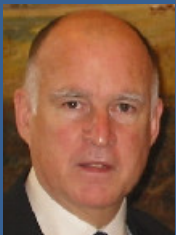
i.e., ability to receive and distribute PMP data to authorized users

- Alabama
- Arizona
- California
- Colorado
- Connecticut
- Hawaii
- Idaho
- Illinois
- Indiana
- Kentucky
- Louisiana
- Maine
- Massachusetts
- Michigan
- Mississippi
- Nevada
- New Mexico
- New York
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Pennsylvania
- Rhode Island
- South Carolina
- Tennessee
- Texas
- Utah
- Virginia
- West Virginia
- Wyoming



CLAAD

Center for Lawful Access
and Abuse Deterrence



California Under A.G. Jerry Brown

Charges against Anna Nicole Smith's lawyer/boyfriend, two physicians

These individuals repeatedly and excessively furnished thousands of prescription pills to Anna Nicole Smith, often for no legitimate medical purpose.”

Improvements to California's PMP

- June 2008: Announced initiative to make data available in “real time”
 - “Real time” = accessible by Internet
 - 7-day lag between data entry and data availability
- Operational in July 2009



CLAAD

Center for Lawful Access
and Abuse Deterrence

7 States Not Yet or No Longer Operating PMPs

i.e., have enacted PMP legislation but do not have operational PMPs

Alaska: Not funded. State officials say 2011 is the soonest the program would go into effect

Iowa: Initial collection of 12 months' worth of back data from pharmacies took place during January 2009; implementation date not yet announced

Kansas: State officials say further funding is needed to implement the program

Minnesota: Implementation planned for January 1, 2010

New Jersey: Implementation date not yet announced

Vermont: "Beta testing" began March 23, 2009; health care providers can begin registering in late April 2009

Washington: Operational PMP **suspended** in December 2008 due to budget cuts



CLAAD

Center for Lawful Access
and Abuse Deterrence

6 States With 2009 Legislative Proposals

Arkansas: SB 23, HB 2089 under consideration

Missouri: SB 732, HB 1619 under consideration

Florida: SB 462, HB 143; SB 440; HB 145 under consideration

Montana: HB 267 reportedly **failed** in committee

Georgia: SB 248, HB 614 reportedly **failed** in the Senate

Oregon: HB 2515 under consideration



CLAAD

Center for Lawful Access
and Abuse Deterrence

3 States With Unique Approaches

Maryland: Created in 2008 an Advisory Council on Prescription Drug Monitoring that will make recommendations regarding the establishment of a PMP

South Dakota: Implemented a retrospective monitoring system (not a centralized computer database) to respond to complaints; legislative proposal for a PMP is anticipated for 2010

Wisconsin: Has operated a monitoring program since the 1970s: integrates information from crime lab evidence, Automation of Reports and Consolidated Orders System (ARCOS), state Medicaid database



CLAAD

Center for Lawful Access
and Abuse Deterrence

3 States With No PMPs, No Current Proposals

- Delaware
- New Hampshire
- Nebraska



CLAAD

Center for Lawful Access
and Abuse Deterrence

Harold Rogers. Prescription Drug Monitoring Program

- Created in 2001
- Administered by the Department of Justice
- Allows states to choose:
 - Which Schedules to monitor
 - Who is authorized to access data
 - Methods to be used for sharing/transmitting data
 - Whether to share information with other states
- Interstate data-sharing is a funding priority for FY 2009
- Omnibus Appropriations Act of 2009 (became public law March 11, 2009) allotted \$7 million to the program



CLAAD

Center for Lawful Access
and Abuse Deterrence

National All Schedules Prescription Electronic Reporting Act of 2005 (NASPER)

- Signed into law by Pres. Bush in 2005
- Administered by Department of Health and Human Services
- Requires that states
 - Collect data for Schedules II-IV
 - Be capable of sharing data with other states
- No appropriation for NASPER in FY 2006-2008
- Omnibus Appropriations Act of 2009 (became public law March 11, 2009) allotted \$2 million to the program

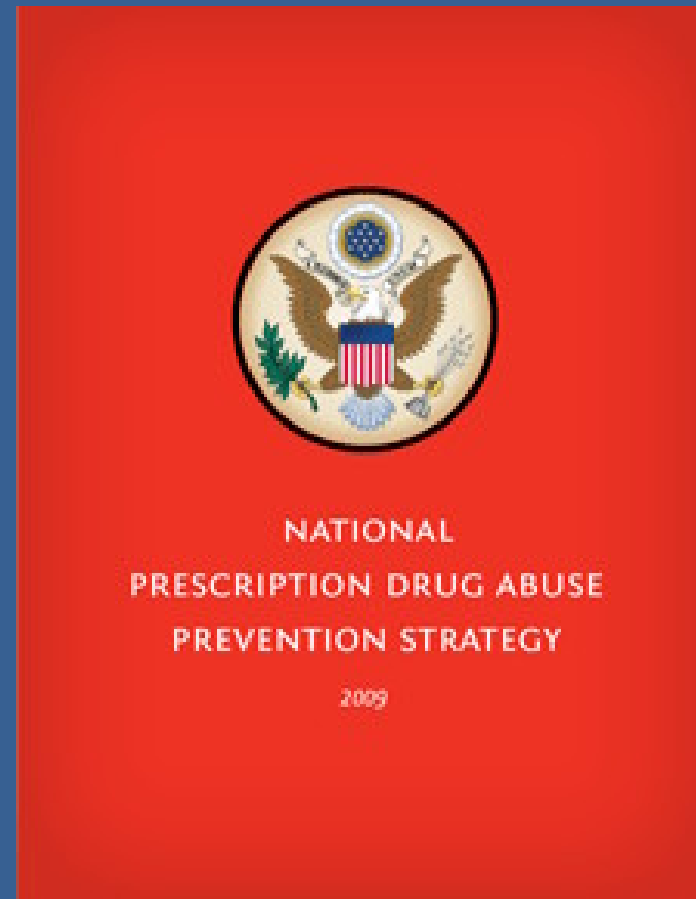


CLAAD

Center for Lawful Access
and Abuse Deterrence

CLAAD Consensus Recommendations

- Public health approach to prescription drug abuse prevention
- Law enforcement access to PMP data
- Continue the Harold Rogers program
- Other policy recommendations are set forth in the 2009 National Prescription Drug Abuse Prevention Strategy (available at www.claad.org)



CLAAD

Center for Lawful Access
and Abuse Deterrence