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Prescription Monitoring Programs - Legislative Trends

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LEGISLATIVE YEAR IN REVIEW

• Through July 18, 2015, 48 PMP related-bills passed and 15 regulations enacted in 31 states

• Areas of primary focus for the bills/regulations that passed:
  • Mandatory use of PMP
  • Mandatory registration
  • Allowing the use of delegates
  • Increasing or modifying the types of authorized recipients
  • Provision of unsolicited reports or proactive alerts
  • Changing the data collection interval to make the information more timely
MANDATORY USE OF PMP

27 states require use in certain circumstances

3 states passed such a requirement since December 2014 (AR, CT, & NJ)

9 states modified or added mandatory access provisions (AZ, KY, LA, MN, ND, OK, RI, VT, VA)
MANDATORY USE LEGISLATION – NEW PROVISIONS

• AR SB 717 – provides that a prescriber with a prescription drug violation shall be required to access prescription information before writing a prescription for an opioid and also provides that a prescriber treating a patient for chronic, non-malignant pain shall check the PMP for the patient at least once every six months.

• CT HB 6856 – requires mandatory use of the PMP prior to prescribing a greater than 72-hour supply of any controlled substance to a patient and not less than once every 90 days when prescribing continuous or long term treatment with controlled substances.
MANDATORY USE LEGISLATION – NEW PROVISIONS

• NJ SB 1998 – practitioners are required to check the PMP prior to prescribing a Schedule II substance to a new patient for acute or chronic pain

• NJ SB 1998 – must also check for any prescription for a Schedule II substance for a new or current patient for acute or chronic pain which is written on or after the effective date of [an unidentified bill pending before the legislature] on a quarterly basis during the period of time that follows the patient’s initial receipt of a Schedule II prescription if the patient continues to receive such prescriptions
MANDATORY USE LEGISLATION – RELATED TO MEDICAL MARIJUANA

• AZ HB 2036 – makes it unprofessional conduct for a naturopathic physician to fail or refuse to include a copy of a patient’s PMP report in the patient’s medical record when providing a certificate of debilitating condition for medical marijuana

• LA SB 143 – requires prescribers and dispensers of marijuana, tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols to review a patient’s information in the PMP prior to such prescribing or dispensing
24 states require practitioners to register with the PMP

3 states passed such a requirement since December 2014 (AR, NJ, & TX)

7 states added new or modified current requirements (AZ, CO, ID, NH, OH, RI, VA)
MANDATORY REGISTRATION LEGISLATION – NEW PROVISIONS

• AR SB 717 – provides that a prescriber with a prescription drug violation shall be required to register with the PMP

• NJ SB 1998 – the division shall register a practitioner or pharmacist with the PMP upon issuance or renewal of the individual’s CDS registration

• TX SB 195 – allows the board to adopt rules providing that a person authorized to access information in the PMP directly be enrolled in electronic access at the time he or she obtains or renews his/her professional or occupational license or registration
USE OF DELEGATES

39 states + DC allow the use of delegates

5 states passed such a statute or regulation since December 2014 (AR, CT, NJ, OK, WY)

4 states added/modified their delegate provisions (AZ, NM, TX, UT)
INCREASED TYPES OF AUTHORIZED RECIPIENTS

14 states added additional types of authorized recipients of PMP data (AZ, AR, IL, IN, MD, NH, NJ, NM, OK, TX, UT, VA, WA, WV)

10 states modified access provisions already in place (AR, ID, MD, NV, NJ, NM, OK, TX, UT, WV)
UNSOLICITED REPORTS/PROACTIVE ALERTS

7 states have modified or added unsolicited reports/proactive alerts provisions since December 2014 (AR, IL, IN, NV, NJ, OK, WV)
DATA COLLECTION INTERVAL

6 states have decreased or will decrease their data collection interval since December 2014 (CT, ME, NM, OR, UT, WY)
DATA COLLECTION INTERVAL

CT:    weekly → daily (7/1/2016)
ME:    weekly → daily
NM:    weekly → daily
OR:    weekly → 72 hours (1/1/2016)
UT:    weekly → daily or real-time
WY:    weekly → daily (1/1/2016)

Daily reporting went from 15 states in 2014 to 20 states in 2015 (including those with later effective dates)
CONTACT INFORMATION

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