

PRESCRIPTION DRUG MONITORING PROGRAMS: A BRIEF OVERVIEW
NATIONAL ALLIANCE FOR MODEL STATE DRUG LAWS (NAMSDL)
JUNE 2009

- **TOOL:** Prescription Drug Monitoring Programs are a major tool being used by states to address prescription drug abuse, addiction and diversion. Such programs are commonly referred to as PDMPs or PMPs.
- **DESCRIPTION:** A PDMP is a statewide electronic database which collects designated data on controlled substances dispensed in the state. The PDMP is housed by a specified statewide regulatory, administrative or law enforcement agency. The housing agency distributes data from the database to individuals who are authorized under state law to receive the information for purposes of their profession.
- **GOALS/OBJECTIVES:** A PDMP may serve multiple purposes. These include: (1) to help identify and deter or prevent drug abuse and diversion, (2) to support access to legitimate medical use of controlled substances, (3) to facilitate and encourage the identification, intervention with and treatment of persons addicted to prescription drugs, (4) to help inform public health initiatives through outlining of use and abuse trends and (5) to help educate individuals about PDMPs and the use, abuse and diversion of and addiction to prescription drugs.
- **STATES WITH PDMP LAWS:** There are currently **39 states with laws** that authorize the establishment and operation of a PDMP: Alabama, Alaska, Arizona, California, Colorado, Connecticut, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming. The Oregon state legislature passed a PMP bill which is currently awaiting the Governor's signature.
- **OPERATIONAL:** Of those 39 states, **33 re currently operational**. Thirty-one states are collecting data and distributing data to one or more authorized users of the data. For fiscal reasons, Washington state officials have temporarily suspended the operations of the state's PMP.

States with operational PDMPs: Alabama, Arizona, California, Colorado, Connecticut, Hawaii, Idaho, Illinois, Indiana, Iowa, 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, Vermont, Virginia, Washington, West Virginia, Wyoming.

- **HOUSING ENTITIES:** State PDMPs are housed in (1) health departments or single state authorities on drugs and alcohol, (2) boards of pharmacy, (3) law enforcement agencies, or (4) professional licensing or consumer protection agencies.

The 33 currently operational PDMPs are primarily housed in health departments or single state authorities, or in boards of pharmacies.

Breakdown of Housing Entities

11 – Health Departments or Single State Authorities on Drugs & Alcohol

14 – Boards of Pharmacy

5 - Law Enforcement Agencies

2 - Professional Licensing

1 - Consumer Protection

- **CONTROLLED SUBSTANCES MONITORED:** State PDMPs monitor designated schedules of controlled substances. The specific schedules allowed to be monitored are identified in state law and regulation. Additionally, some state PDMPs are authorized to monitor drugs of concern. Such drugs are substances that demonstrate a potential for abuse and are designated as a drug of concern or a drug in need of monitoring by the appropriate state body.

Thirty-five states are permitted to monitor Schedule II, III and IV substances: Alabama, Alaska, Arizona, California, Colorado, Connecticut, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming.

Twenty of the 35 states also have the authority to monitor Schedule V substances: Alabama, Alaska, Colorado, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Tennessee, Texas, Utah, Washington.

- **AUTHORIZED REQUESTERS AND USERS OF DATA:** The categories of individuals often identified as authorized requesters and users of PDMP data include:
 1. Licensed physicians/practitioners with authority to prescribe controlled substances
 2. Pharmacists with authority to dispense controlled substances
 3. Designated federal, state and local law enforcement

4. Representatives of professional or occupational licensing, certification or regulatory boards, commission or agencies
5. Individuals whose receipt of controlled substances prescriptions has been included in the PDMP database

Of the categories of authorized users, state PDMP officials report that the highest percentage of requests for PDMP data are from physicians/practitioners.

States sometime add categories of authorized users of PDMP data as is appropriate for that jurisdiction. For example, states using an outside vendor to collect data will allow appropriate personnel of that vendor to access the PDMP data. Another example is a state that provides for an advisory committee to work with the statewide entity housing and operating the PDMP. That state will permit advisory committee members to access the PDMP information.

- **CONFIDENTIALITY & PRIVACY PROTECTIONS**

State PDMP laws often incorporate specific language designed to protect confidentiality and privacy rights related to PDMP data. Common statutory safeguards include:

1. Exempting PDMP data from public records or open records laws.
Concomitantly, the law will state that the PDMP information is confidential.
2. Carefully specifying who is allowed to access the PDMP, under what circumstances the information may be accessed or what criteria must be met for access, and for what purposes the lawfully accessed data may be used.
3. Explicitly requiring that the statewide agency operating the PDMP comply with all relevant state and federal privacy and confidentiality laws.
Additionally, some states also require that the agency develop procedures and policies which protect the confidentiality of the information.
4. Penalizing the unlawful access and/or the unlawful disclosure of PDMP data.

States sometimes institute a data purging requirement. Some states purge the information in the PDMP database no later than a designated number of years after the collection of the data. The range of years specified in PDMP authorizing laws can vary from one to six. Even if a PDMP law is silent on the issue, a purging requirement in another controlled substances statute may be deemed applicable.

State PDMP officials implement their statutory obligations regarding privacy and confidentiality by developing precise procedures for the submission of information requests and the corresponding program response. The procedures may vary in accordance with the particular parameters applicable to a category of authorized users.

To date, PDMP officials have reported that there have been no confidentiality breaches of the PDMP database or system. Additionally, they report that there have been no convictions in their jurisdictions for unlawful disclosure of PDMP information.

- **FUNDING FOR STATE PDMPs**

A primary source of funding for the development and operation of state PDMPs has been the Harold Rogers Prescription Drug Monitoring Program (HRPDMP) administered by the Bureau of Justice Assistance (BJA).

Since its inception in 2002, the HRPDMP has provided state officials with over 100 planning, implementation and enhancement grants. For FY2009, Congress appropriated \$7 million for the HRPDMP, and \$2 million to implement NASPER. FY09 was the first year that funds have been appropriated for NASPER. President Obama's proposed 2010 budget also includes \$7 million for the HRPDMP and \$2 million for NASPER.

Other financial mechanisms used by state officials include revenues from state general funds and licensing or registration fees paid by authorized PDMP users.

RESOURCES FOR INFORMATION ON STATE PDMPS AND PRESCRIPTION DRUG ABUSE, ADDICTION AND DIVERSION

- **NATIONAL ALLIANCE FOR MODEL STATE DRUGS LAWS (NAMSDL)** www.namsdl.org

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703-836-7495 FAX 505-820-1750 FAX

- **ALLIANCE OF STATES WITH PRESCRIPTION MONITORING PROGRAMS** www.nascsa.org/monitoring.htm

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- **NATIONAL ASSOCIATION OF STATE CONTROLLED SUBSTANCES AUTHORITIES (NASCSA)** www.nascsa.org

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- **BUREAU OF JUSTICE ASSISTANCE (BJA)**

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