

Welcome to the National Alliance for Model State Drug Laws (NAMSDL) Prescription Monitoring Program (PMP) Update. Through this update, we hope to relay states' efforts regarding PMPs and related legislative, regulatory, and program updates. As part of our work with states to address alcohol and other drug issues through laws, policies, and programs, NAMSDL assists states with efforts to address the diversion of, abuse of, misuse of, and addiction to prescription drugs. We hope you find this update useful and we welcome your feedback, suggestions, and ideas.

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1. State PMP Laws Increase to 38 in 2008

Thanks to the hard work of our colleagues in Kansas and Alaska, the number of states with legislation authorizing the establishment and operation of a state PMP is now 38: AL, AK, AZ, CA, CO, CT, HI, ID, IL, IN, IA, KS, KY, LA, ME, MA, MI, MN, MS, NV, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, TN, TX, UT, VT, VA, WA, WV, WY.

Several other states were able to refine and enhance their existing laws with successfully adopted amendments. The attached August 2008 PMP Bill Status Update outlines the details of state legislative actions taken in the first half of this year.

2. FY2008 Harold Rogers Prescription Drug Monitoring Grants

BJA staff is continuing to process the numerous applications they have received, and anticipate making FY2008 awards by October 1, 2008. If you do not hear about your grant application by that date, please contact your assigned state policy advisor to check on the status of your submission. For those of you who are new applicants, you can refer your questions on the status of your applications to Rebecca Rose, Policy Advisor for Substance and Mental Health in BJA. Rebecca can be reached at Rebecca.Rose@usdoj.gov or by phone at 202-514-0726.

3. AMA Adopts PMP Resolution

At the June 2008 Annual Meeting of the American Medical Association (AMA), the House of Delegates (HOD) adopted a position on PMPs that advocates:

- That the AMA support the refinement of state-based prescription drug monitoring programs and development and implementation of appropriate technology to allow for HIPAA-compliant sharing of information on prescriptions for controlled substances among states;

- That the AMA policy be that the sharing of information on prescriptions for controlled substances with out-of-state entities should be subject to the same criteria and penalties for unauthorized use as in-state entities;
- That the AMA actively support the funding of NASPER which would allow federally funded, intraoperative state based prescription drug monitoring programs as a tool for addressing patient misuse and diversion of controlled substances;
- That the AMA encourage and support the prompt development of, with appropriate privacy safeguards, treating physicians' real time access to their patients' controlled substances prescription; and
- That the AMA advocate for the use of any information obtained through these programs to be used first for education of the specific physicians involved prior to any civil action against these physicians.

The above statements are excerpted from the attached Annotated Board of Trustees Report which provides more details on the Resolution.

4. ABA Defeats PMP Resolution

The American Bar Association (ABA) House of Delegates (HOD) recently defeated on a voice vote a proposed resolution on state PMPs offered by the Standing Committee on Substance Abuse. The hotly contested resolution read as follows:

“RESOLVED, That the American Bar Association urges state, territorial and tribal legislative bodies, and appropriate governmental agencies to develop comprehensive strategies to reduce the incidence of prescription drug diversion and abuse, including the utilization of Prescription Drug Monitoring Programs (“PDMP”) designed with appropriate attention to the authenticity, security, reliability, and integrity of patient information obtained, which provides:

1. limitations on law enforcement agency access to reported information to ensure that access is restricted to those acting within their official duties and conducting bona fide investigations;
2. appropriate notice to patients about the inclusion of their prescription information in the PDMP; and
3. appropriate penalties for any violations of patient privacy.”

The Chief Counsel of the Office of National Drug Control Policy (ONDC), Ed Jurith, presented the Resolution to the HOD. While Ed was able to answer all questions and concerns of the Sections on Individual Rights and Responsibilities, the Health Law and Science and Technology Sections remained steadfastly opposed.

The Resolution language was excerpted from the attached report which discusses in detail PMP programs and the history of the ABA's actions regarding the Resolution.

5. National Reports and Surveys Highlight Prescription Drug Abuse, Addiction and Diversion, PMPs and E-Prescribing

National Survey of American Attitudes on Substance Abuse XIII: Teens and Parents

August 2008

<http://www.casacolumbia.org/absolutem/templates/PressReleases.aspx?articleid=533&zoneid=66>

The 2008 Center on Addiction and Substance Abuse survey reports that for the first time in the CASA survey history, teens are now finding it easier to obtain prescription drugs than beer. According to the survey, 34 percent of teens who know prescription drug abusers report that parents and family homes are the main source of supply for those abusing; making home medicine cabinets the number one supplier for teens who abuse. The problem was described by CASA Chairman Josef A. Califano Jr., who said, "By leaving abuse-able and addictive medications like OxyContin and Vicodin around the house, thus making these drugs readily available to their children, these problem parents become passive pushers."

University of Wisconsin Pain Policy Studies Group study: Achieving Balance in State Pain Policy: A Progress Report Card

August 2008

http://www.painpolicy.wisc.edu/Achieving_Balance/PRC2008.pdf

The University of Wisconsin Pain Policy Studies Group released its fifth study since the year 2000 that seeks to rate balance in state pain policy. The study uses a letter grading system to rate states, and considers whether or not a state takes a balanced approach to pain management, by evaluating criteria such as policy language with the potential to enhance pain management, and also considers if a state has a system of controls necessary to prevent abuse, "but the system is not intended to diminish the medical usefulness of opioids, nor interfere in their legitimate medical uses and patient care." Georgia saw the greatest leap in grades among states, going from a D+ to a B, after adopting a provision that recognized the medical usefulness of opioids as part of a legitimate practice.

Study Examines the Long Term Effects Intervention and Education Programs Have on Teens

6/08 Blackwell Synergy

<http://www.blackwell-synergy.com/doi/abs/10.1111/j.1360-0443.2008.02160.x>

A study on Iowa teens followed students from middle school to the age of 21 and examined the long-term effects of universal preventive interventions. Students in two separate studies were assigned to either the Iowa Strengthening Families Program, Preparing for the Drug Free Years or a school-based Life Skills Training program. Students in both groups showed fewer incidences of prescription drug misuse than those in control groups.

Congressional Budget Office: Study of Evidence on the Costs and Benefits of Health Information Technology

5/08

<http://www.cbo.gov/doc.cfm?index=9168>

Claims

made by **RAND Corp** in a 2005 study, that health IT technology could save an average of \$77 billion per year, are refuted in this recently released study conducted by the Congressional Budget Office. Regarding the conclusions of the study, the CBO Director stated in his blog, "In general, however, health IT appears to be necessary but not sufficient to generate cost savings; that is, health IT can be an essential component of an effort to reduce cost (and improve quality), but by itself it typically does not produce a reduction in costs."

People Often Share Prescription Medicine

Reuters April 30th, 2008

<http://uk.reuters.com/article/healthNewsMolt/idUKTON97518820080430>

Nearly 23% of those surveyed admit to sharing prescription drugs, and almost 27% confess to borrowing another person's prescription medications.

NAMSDL and NASCSA Conduct Joint Survey of PMP Officials

NAMSDL and NASCSA's PMP Committee have joined together to conduct a survey of state PMP officials to update the program profile of each PMP. In the next two weeks, NAMSDL will forward to each state official a jointly prepared PMP profile form which will contain some of the information already gathered from state officials by both organizations. We're asking that each official take a few moments to review the profile form and provide us with any necessary corrections, additions or deletions.

NAMSDL and NASCSA will each post information from the profiles on their respective websites and use the information to continue and coordinate their various educational, legislative and policy initiatives regarding state PMPs and prescription drug abuse, diversion and abuse.

Both organizations thank state PMP officials in advance for their participation in this important project.

6. Congressional Update

No final action had been taken on FY2009 appropriations bills when Congress adjourned for its summer recess. A flurry of activity by Appropriation Committees had occurred in June but the process stalled as Congressional members were unable to reach a bipartisan consensus on many funding issues.

Some Hill staff expect action on specific appropriations bills to limp along when Congress reconvenes in the Fall. However, most are advising that Congress will likely pass a Continuing Resolution for FY2009 appropriations. This would allow time for the new Administration to weigh in on the funding bills for the next fiscal year before Congress adopts final FY2009 appropriations amounts. While a Continuing Resolution is in effect, federal agencies are generally required to operate at the appropriation level they received in the previous fiscal year, FY2008.

7. In the News

This section includes summaries and links to recent news items about PMPs, prescription drug diversion, and related issues.

California Bill Would Extend Prescription Pedigree Requirement Deadline by Four Years

The Union Tribune August 27, 2008

<http://www.signonsandiego.com/news/business/20080827-9999-1b27drugs.html>

A California bill that is currently awaiting the signature of Governor Arnold Schwarzenegger, would extend a deadline that would require pharmacists, medical wholesalers and pharmaceutical manufacturers to create an electronic tracking system, to the year 2015. If the bill is signed, it would mark the fourth time in three years, state lawmakers have extended the deadline. The state is currently tied up in a budget deadlock, and Governor Schwarzenegger has not indicated if he will sign the bill.

August Declared National Medicine Abuse Awareness Month

US Department of Justice Press Release August 23, 2007

<http://www.usdoj.gov/usao/nh/press/august07/MedicineAwareness.html>

Responding to the increase in prescription drug abuse and the casual way in which society perceives such abuse, Congress has declared August National Medicine Abuse Awareness Month. An adopted resolution sponsored by Senators Joseph Biden, (D-DE) and Charles Grassley (R-IA) seeks to raise awareness about this epidemic that has led to drug overdoses becoming the second leading cause of accidental death.

New Jersey to Launch “Grandma’s Stash” Campaign

The Bulletin August 21, 2008

http://www.thebulletin.us/site/index.cfm?newsid=20084470&BRD=2737&PAG=461&dept_id=576361&rfti=8

The Partnership for a Drug Free New Jersey announced plans to launch a multimedia campaign aimed at curbing abuse of prescription medicines. The campaign, titled “Grandma’s Stash”, will utilize newspapers, radio stations, billboards, buses, and trains raise awareness of the dangers associated with abusing prescription drugs.

Florida County Establishes Prescription Drug Return Program

Florida Emergency Services July 31, 2008

<http://www.tcpalm.com/news/2008/jul/30/operation-safe-medicine-cabinet-kick-saturday/>

In response to an alarming number of recent prescription drug overdose deaths, one Florida county has established a prescription drug return program. St. Lucie County officials and area drug stores kicked off the program by rewarding \$5 gift certificates to CVS, Walgreens, and Wal-Mart, to individuals who returned drugs the first day the program was established, and will continue to operate a safe box at the county sheriff’s office where prescription drugs can be dropped off at any time.

Medicare to Pay Bonuses for E-Prescribing

The Washington Post July 21, 2008

<http://www.washingtonpost.com/wp-dyn/content/article/2008/07/21/AR2008072102035.html>

Beginning next year, doctors will have the opportunity to earn additional money from Medicare for using electronic prescribing systems. The plan will take effect in 2009, and during 2009 and 2010, doctors will be given an additional two percent bonus on top of their fee for e-prescribing. The bonuses will be scaled back in 2011 and 2012 to one percent, and will be completely phased out after five years, when doctors who do not use e-prescribing will be reimbursed at lower rates.

DEA to Propose E-Prescribing Rule Change

Health IT June 20, 2008

<http://www.govhealthit.com/online/news/350439-1.html>

The Drug Enforcement Administration will soon propose a rule change that would at least partially lift a ban that prevents doctors from using electronic systems to send prescriptions to pharmacies. It is not currently known when the rule changes will be published, or which categories of controlled substances the rule change would cover.

Legal Drugs Kill Far More Than Illegal, Florida Says - NYTimes.com

New York Times, June 14, 2008

<http://www.nytimes.com/2008/06/14/us/14florida.html?ref=us>

An analysis of 2007 autopsies has revealed the devastating and lethal toll prescription drug abuse has taken on the Sunshine State. Although Florida lawmakers have considered legislation that would create a Prescription Drug Monitoring Program, privacy concerns have thus far prevented legislators from passing such a bill.

Prescription-database bill passed in Alaska

Anchorage Daily News, June 11, 2008

<http://www.adn.com/news/alaska/story/433217.html>

Alaska is now set to join 35 other states with implementation of the state's PDMP program, as Senate Bill 196 became law without Governor Sarah Palin's signature.

Drug Diversion Task Force Initiated Statewide By TBI

The Greeneville Sun, Jun 10, 2008

<http://www.greenevillesun.com/story/295644>

The Tennessee Bureau of Investigation has unveiled plans to introduce the Tennessee Drug Diversion Task Force. The task force "will provide support and training for law enforcement across the state to turn up the heat on people who illegally dispense, obtain or misuse prescription medications."

Mainers Get More Ways to Discard Unwanted Pills

RedOrbit, Jun 10, 2008

http://www.redorbit.com/news/health/1424208/mainers_get_more_ways_to_discard_unwanted_pills_rite/

A Maine pharmacy has been providing customers with pre-stamped envelopes which customers can use to send unwanted and unused prescription drugs off to be destroyed. Safe Medicine Disposal for ME is currently operating in four of the state's counties, but will be expanded this fall to include the entire state.

Drug Drop Off Program Going National

WHOI, IL - Jun 6, 2008

http://www.hoinews.com/news/news_story.aspx?id=143969

A high school ecology class in Illinois is credited with developing the P2D2 program, where local pharmacies are used to collect unused drugs. The program has so far collected over 300 pounds of prescription drugs.

Lawyer: Patriots player arrested, turns informant

The Associated Press, June 4, 2008

<http://ap.google.com/article/ALeqM5h2VkJUGNHOOXhqZqRIWcLF4i9qvTAD913NPKG0>

Addiction to prescription pain killers strikes another high profile athlete, after starting offensive lineman for the NFL's New England Patriots, Nicholas Kaczur, was arrested and charged with carrying oxycodone without a prescription. It's been reported, that after his arrest, Kaczur wore a recording device while making three purchases of oxycodone, in an attempt to help law enforcement officials build a case against his supplier.

Online Drug Program Would Target Abusers

The Mercury News, June 3, 2008

http://www.mercurynews.com/crime/ci_9469619

After a four year development process, California expects to shift its Prescription Drug Monitoring Program, from an arduous mail and fax system, to one that is internet based, by sometime next year. Of the system, California's Attorney General Edmund G. Brown Jr. is quoted as saying, "If California puts this information online, with real-time access, it will give authorized doctors and pharmacies the technology they need to fight prescription drug abuse which is burdening our healthcare system."

Methadone deaths rising in New England

USA Today, April 17, 2008

http://www.usatoday.com/news/nation/2008-04-17-methadone-deaths_n.htm

Methadone overdose has become the leading cause in drug related deaths in both Maine and New Hampshire.