Prescription Monitoring Program State Profiles – South Dakota

Research current through December 2014.

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SOUTH DAKOTA

http://doh.sd.gov/Boards/pharmacy/PDMP.aspx
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- Status of Program – operational
- Housing Entity – Board of Pharmacy
- Advisory Commission – yes
- Funding – not specified in PMP statutes or regulations
- Drugs Monitored – Schedules II – IV
- Who's Required to Report Dispensing Information – all dispensers, persons who deliver a controlled substance to an ultimate user
- Exemptions from Reporting – licensed hospital pharmacy for inpatient care; administration of a controlled substance to a patient; veterinarians
- Nonresident Pharmacies Required to Report – yes
- Veterinarians Required to Report – no
- Data Collection Interval – weekly/7 days
- Notice to Consumers – no
- Interstate Sharing – with other PMPs
- Persons Authorized to Receive Information – law enforcement and judicial/prosecutorial officials; licensing/regulatory boards; Department of Social Services for Medicaid recipients; insurer for claimants; peer review committees; patient or parent of minor child; health care agent; prescribers; dispensers
- Delegates Allowed – yes
- De-identified Data Provided – yes
- Unsolicited Reports – to prescribers, pharmacists, law enforcement, and licensing boards
- Training Required – no
- Mandatory Enrollment – no
- Mandatory Access – no

South Dakota Codified Laws (2014)
Title 34. Public Health and Safety
Chapter 34-20E. Prescription Drug Monitoring Program

§ 34-20E-3. Submission of information to central repository

Each dispenser shall submit the information required by this chapter to the central repository at least once each week unless the board waives this requirement for good cause shown by the dispenser.

South Dakota Codified Laws (2014)
Title 34. Public Health and Safety
Chapter 34-20E. Prescription Drug Monitoring Program

§ 34-20E-7. Disclosure of data in central repository to certain persons and entities

Unless disclosure is prohibited by law, the board may provide data in the central repository to:

(1) Any prescriber for the purpose of providing medical care to a patient, a dispenser for the purpose of filling a prescription or providing pharmaceutical care for a patient, a prescriber or dispenser inquiring about the prescriber's or dispenser's own prescribing activity, or a prescriber or dispenser in order to further the purposes of the program;

(2) Any individual who requests the prescription information of the individual or the individual's minor child;

(3) Any state board or regulatory agency that is responsible for the licensing of individuals authorized to prescribe or dispense controlled substances if the board or regulatory agency is seeking information from the central repository that is relevant to an investigation of an individual who holds a license issued by that board or regulatory agency;

(4) Any local, state, and federal law enforcement or prosecutorial officials engaged in the enforcement of laws relating to controlled substances who seek information for the purpose of an investigation or prosecution of the drug-related activity or probation compliance of an individual;

(5) The Department of Social Services for purposes regarding the utilization of controlled substances by a medicaid recipient;

(6) Any insurer for purposes regarding the utilization of controlled substances by a claimant;

(7) Any judicial authority under grand jury subpoena or court order or equivalent judicial process for investigation of criminal violations of controlled substances laws;

(8) Any public or private entity for statistical, research, or educational purposes after the information is de-identified with respect to any prescriber, dispenser, or patient who received a prescription for a controlled substance; or

(9) Any peer review committee, which means any committee of a health care organization, composed of health care providers, employees, administrators, consultants, agents, or members of the health care organization's governing body, which conducts professional peer review.

South Dakota Codified Laws (2014)
Title 34. Public Health and Safety
Chapter 34-20E. Prescription Drug Monitoring Program

§ 34-20E-8. Fees

The board may charge a fee of ten dollars to any individual who requests information from the central repository pursuant to subdivision 34-20E-7(2). The board may charge a fee of one hundred dollars to any person who requests information from the central repository pursuant to subdivision 34-20E-7(8).

South Dakota Codified Laws (2014)
Title 34. Public Health and Safety
Chapter 34-20E. Prescription Drug Monitoring Program

§ 34-20E-14. Cooperation with other states

The board shall adopt a procedure to allow information contained in the central repository to be shared with officials in other states acting for the purpose of controlled substance monitoring and for requesting and receiving similar controlled substance monitoring information from other states.

South Dakota Codified Laws (2014)
Title 34. Public Health and Safety
Chapter 34-20E. Prescription Drug Monitoring Program

§ 34-20E-15. Advisory council established

An advisory council is established to advise and make recommendations to the board regarding how to best use the program to improve patient care and foster the goal of reducing misuse, abuse, and diversion of controlled substances; to encourage cooperation and coordination among state, local, and federal agencies and other states to reduce the misuse, abuse, and diversion of controlled substances; and to provide advice and recommendations to the board regarding any other matters as requested by the board. The advisory council shall serve without compensation. The advisory council may have access to central repository information to fulfill its duties.

South Dakota Codified Laws (2014)
Title 34. Public Health and Safety
Chapter 34-20E. Prescription Drug Monitoring Program

§ 34-20E-16. Membership of advisory council

The advisory council shall consist of:

(1) One dispenser selected by the board;

(2) One prescriber selected by the Board of Medical and Osteopathic Examiners;

(3) One prescriber selected by the Board of Nursing;

(4) One prescriber selected by the Board of Dentistry;

(5) One prescriber selected by the Board of Examiners in Optometry;

(6) One prescriber selected by the South Dakota Academy of Physician Assistants;

(7) One member selected by the South Dakota Association of Healthcare Organizations;

(8) One member of the South Dakota State Medical Association;

(9) One member of the South Dakota Nurses Association;

(10) One member of the South Dakota Pharmacists Association;

(11) A designee of the attorney general;

(12) A designee of the Department of Health; and

(13) Any other prescriber or dispenser determined by the board to be necessary to meet a mandate of, or avoid a delay in implementing, an appropriations measure. The number of additional members that the board may select is limited to the number necessary to meet the mandate or avoid the delay of an appropriation.

South Dakota Codified Laws (2014)
Title 34. Public Health and Safety
Chapter 34-20E. Prescription Drug Monitoring Program

§ 34-20E-17. Recommendations of advisory council

The advisory council shall make recommendations to the board regarding:

(1) Safeguards for the release of information to persons who have access to the information contained in the central repository;

(2) The confidentiality of program information and the integrity of the patient's relationship with the patient's health care provider;

(3) Advancing the purposes of the program, including enhancement of the quality of health care delivery in this state; and

(4) The continued benefits of maintaining the program in relationship to the cost and other burdens to the state.

Administrative Rules of South Dakota (2014)
Department of Health (Articles 20:45 to 20:52)
Article 20:51 Pharmacists
Chapter 20:51:32 Prescription Drug Monitoring Program

20:51:32:02. Data submission.

Each dispenser may submit the data to the central repository using any electronic device compatible with the board's receiving device or the receiving device of the board's contracted vendor. The data submitted to the central repository may be on electronic media approved by the board accompanied by a transmittal form identifying the dispenser submitting the electronic media, the number of prescription records included on the media, and the individual submitting the media.

If the dispenser does not have an automated recordkeeping system capable of producing an electronic report of the required data in the format established by the American Society for Automation in Pharmacy (ASAP), the dispenser may request a waiver from the electronic reporting requirement from the board.

If the board grants a waiver from the electronic reporting requirement, then the dispenser shall comply with an alternative method of reporting the data as determined by the board, such as submitting the required data on a form approved by the board.

Administrative Rules of South Dakota (2014)
Department of Health (Articles 20:45 to 20:52)
Article 20:51 Pharmacists
Chapter 20:51:32 Prescription Drug Monitoring Program

20:51:32:04. Access to data.

Healthcare practitioners authorized to prescribe or dispense controlled substances may request on-line access to the data for the purpose of providing patient health care. Prior to being granted access to program information, a practitioner shall submit a request for registration and program access. The board will verify the licensure status of the practitioner with the appropriate licensing authority. The program safeguards to protect the privacy of the data include a secure login and password for the practitioners authorized to access the data.

The board shall conduct regular reviews of data access by practitioners to identify possible violations of law or breach of professional standards that may have occurred. Whenever such information is identified, the board will notify the appropriate professional licensing, certification or regulatory agency or entity, and provide information necessary for an investigation.

Administrative Rules of South Dakota (2014)
Department of Health (Articles 20:45 to 20:52)
Article 20:51 Pharmacists
Chapter 20:51:32 Prescription Drug Monitoring Program

20:51:32:05. Disclosure of data.

Each request for information from the central repository must be submitted on a form provided by the board and must be mailed, faxed, or submitted electronically to the board office. The information may be mailed, faxed or submitted electronically to the individual requesting the profile, and marked "confidential".

A prescriber or dispenser may request patient information if the request:

(1) Is signed by the prescriber or dispenser requesting the information and includes the business name and address;

(2) Includes the patient's name, date of birth, purpose of the request, and the date range for the profile; and

(3) Includes a statement indicating a prescriber or a dispenser and patient relationship exists.

Administrative Rules of South Dakota (2014)
Department of Health (Articles 20:45 to 20:52)
Article 20:51 Pharmacists
Chapter 20:51:32 Prescription Drug Monitoring Program

20:51:32:06. Disclosure of data -- Individual.

An individual or the individual's agent, authorized in writing, may request prescription information of the individual or the individual's minor child.

The individual requesting the prescription information or an authorized agent of the individual shall submit a signed, written request on a form provided by the board for records of the individual's prescriptions reported to the program.

The individual or agent will be required to present a current government-issued photo identification at the time of delivery of the request.

An individual who is unable to personally deliver the request to the board office may submit a request by mail or a commercial delivery service. The request shall comply with the provisions above, a copy of the current government issued photo identification shall be enclosed, and the signature of the requesting individual shall be notarized.

Administrative Rules of South Dakota (2014)
Department of Health (Articles 20:45 to 20:52)
Article 20:51 Pharmacists
Chapter 20:51:32 Prescription Drug Monitoring Program

20:51:32:07. Disclosure of data -- Regulatory board.

A state board or regulatory agency with appropriate authority may request information.

The request shall include a statement of its purpose and authority, the name and license number of the individual, the date range requested, and the specific reasons for the request.

The request shall include the signature of the authorized agent and mailing address for the board or agency.

Administrative Rules of South Dakota (2014)
Department of Health (Articles 20:45 to 20:52)
Article 20:51 Pharmacists
Chapter 20:51:32 Prescription Drug Monitoring Program

20:51:32:08. Disclosure of data -- Law enforcement.

A local, state, and federal law enforcement or prosecutorial official engaged in the enforcement of laws related to controlled substances may request information for the purpose of an investigation or prosecution of the drug-related activity or probation compliance of an individual. The board shall verify the status of the law enforcement or prosecutorial official with the appropriate authority.

The request shall include the purpose of the request, the individual's name and date of birth, the date range requested, and the specific reasons for the request.

The request shall be signed by the authorized official and include that person's mailing address.

Administrative Rules of South Dakota (2014)
Department of Health (Articles 20:45 to 20:52)
Article 20:51 Pharmacists
Chapter 20:51:32 Prescription Drug Monitoring Program

20:51:32:09. Disclosure of data -- Court orders.

The board shall provide program information in response to court orders and warrants. The board shall provide program information in response to court issued subpoenas.

Administrative Rules of South Dakota (2014)
Department of Health (Articles 20:45 to 20:52)
Article 20:51 Pharmacists
Chapter 20:51:32 Prescription Drug Monitoring Program

20:51:32:10. Disclosure of data -- Other entities.

Other designated entities may request profiles or information as identified in SDCL 34-20E-7.

The request shall include the purpose of the request, the date range requested, the specific reasons for the request, and the individual's name and birth date if applicable.

The request shall be signed by the authorized individual and include that person's mailing address.