PDMP TTAC

Prescription Drug Monitoring Program Training and Technical Assistance Center

Prescription Drug Monitoring Program Administrators Guide for Training Law Enforcement

2013

INTRODUCTION

Prescription drug abuse is the fastest-growing drug problem facing this country. The Center for Disease Control (CDC) classifies prescription drug abuse as an epidemic. The National Survey on Drug Use and Health (NSDUH) estimates that 7 million persons, 12 years of age and older, were nonmedical users of prescription medications in 2010. Additionally, marijuana (2.4 million persons) and the nonmedical use of prescription pain relievers (2.0 million persons) were the first and second most commonly used substances for first time users of illicit drugs in 2010.

In 2011, the Office of National Drug Control Policy (ONDCP) released its Prescription Drug Abuse Prevention Plan which focuses on the:

- education of parents, youth and patients about the dangers of prescription drug abuse and education of prescribers on appropriate usage, storage and disposal of prescription drugs;
- monitoring of prescription drug usage by establishing prescription drug monitoring programs (PDMPs) in every state to reduce diversion, doctor shopping, and enhancing PDMPs to ensure data sharing between states and health care providers;
- proper medication disposal to help decrease the supply of unused prescription medications in the home; and
- enforcement of drug laws by providing law enforcement with tools to eliminate **improper prescribing and stop 'pill mills'.**

PDMPs are promising tools for improving patient health care and safety and curtailing the abuse and diversion of prescription drugs. States collect data on the dispensing of controlled substances and grant permission to authorized health care providers and law enforcement/regulatory agency personnel to access certain PDMP records. To date, forty-nine (49) states and one (1) U.S. Territory have operating PDMPs or have passed legislation to implement them. All, but one of the PDMPs, allow law enforcement some degree of access to the prescription information. Addressing the massive scale of the prescription drug abuse epidemic requires involvement from all available resources including, public safety and health care, prevention and treatment professions, regulatory and law enforcement

communities. **Law enforcement's effective use of PDMP data** may facilitate identification and remediation of inappropriate prescribers and doctor shopping patterns related to diversion. Thus PDMP use by law enforcement can have a significant impact on the prescription drug abuse and diversion problem in the United States. Therefore, it is incumbent upon **states'** PDMP administrators to encourage and educate law enforcement about PDMPs.

BACKGROUND

Brandeis University's Prescription Drug Monitoring Program Training and Technical Assistance Center (TTAC), with support from the U.S. Bureau of Justice Assistance, hosted a national meeting to discuss and create a PDMP education curriculum for law enforcement. The purpose of the meeting was to examine the issue of law enforcement access to PDMP data and to identify curriculum components to assist PDMP Administrators in their efforts to promote and increase PDMP utilization by law enforcement. The meeting was held on the campus of Brandeis University, Waltham, MA on August 7-8, 2012. In attendance were representatives from state PDMPs, state and federal law enforcement agencies, ONDCP, and the PDMP Center of Excellence. Presentations were made by attendees and other experts in the field of prescription drug diversion. At the conclusion of the meeting, the participants agreed and appreciated the important role that law enforcement plays in curtailing the abuse and diversion of prescription drugs, and that PDMPs should make a conscious effort to forge a relationship with the law enforcement community.

Significant portions of the meeting focused on identifying key topics that should be included in a curriculum on PDMPs for law enforcement and are discussed in detail in the following pages:

- Overview of the prescription drug abuse and diversion problem
- **Overview of the state's prescription drug monitoring program**
- Law enforcement access to PDMP reports
- Types of reports available to law enforcement
- Legal issues regarding PDMP access and use of reports
- Interpretation of PDMP reports
- Dissemination of PDMP reports
- Validation of PDMP reports
- Resources for Law Enforcement

HOW TO USE THIS GUIDE

The guide is intended to assist PDMP administrators in developing an education program for law enforcement officials**' use of PDMP data**. Since state laws vary in terms of law enforcement access and use, this guide provides recommendations that PDMP Administrators are encouraged to consider when developing their own curriculum course for law enforcement on PDMPs.

The guide is divided into three major sections: recommended curriculum components, suggestive delivery methods, and general considerations. The first section includes the recommendations which the experts believe need to be part of a PDMP education program. The second section contains suggestions on various methods for delivering the information to an audience of law enforcement personnel. The third section contains general suggestions and key recommendations. Power Point slide sets are available upon request to TTAC.

Section 1 - Curriculum Components

I. Overview of Prescription Drug Abuse and Diversion

    A. Provide prescription drug abuse statistics and trends at the national, state, and local levels (if available).

        1. Data sources **–coroners'** offices, drug treatment centers, Office of National Drug Control Policy (ONDCP), Centers for Disease Control and Prevention (CDC), Drug Abuse Warning Network (DAWN), Drug Enforcement Administration (DEA), National Survey on Drug Use and Health (NSDUH), and others. (see appendix for web links to the data sources above)

        2. Overview of abuse of specific prescription drugs

    B. Discuss societal impact of prescription drug abuse and diversion.

        1. Overdose deaths

        2. Increased health care costs

        3. Substandard health care

        4. Use real-world examples

    C. Discuss benefits to Law Enforcement when using PDMP.

        1. Less time to locate and retrieve prescription records

        2. Extra tool to confirm/validate reliability and accuracy from other information sources

II. Overview of State's Prescription Monitoring Program

    A. Provide a description of the PDMP.

        1. Provide a general description of PDMPs nationwide.

            a. Brief history of PDMPs

            b. Reasons for their creation

        2. Provide a basic description of the **state's PDMP**.

        3. Highlight the mission and goals of the PDMP.

B. Detail data collection from dispensers.

    1. Provide information on dispensers who submit PDMP data (i.e., in-state pharmacies, practitioners, federal facilities, mail order pharmacies) and provide information about the frequency of collection and data format.

    2. Discuss the controlled substance schedules (including drugs of concern if applicable) the PDMP collects.

    3. Discuss the methods dispensers can use to provide or transmit data to the PDMP.

C. Detail prescription data collected by the PDMP.

    1. Detail the data elements entered by a dispenser.

    2. Detail the data elements captured by the PDMP.

    3. Describe data retention policy and length data retained.

    4. Discuss data accuracy and limitations; including the error correction process.

D. List types of authorized requestors of PDMP data other than law enforcement.

    1. Identify the entities that are authorized to obtain PDMP reports under state law (i.e., prescribers, dispensers, regulatory boards, researchers, patients, medical examiners, agency/facility/practitioner delegates).

    2. Provide overview of methods to obtain data.

    3. Identify the information that each group can request and under what circumstances (i.e., for law enforcement - subpoena, probable cause, open investigation, type of investigation, court order, open records).

    4. Detail any disclosures that are made upon release of PDMP reports.

E. Discuss any future enhancements to PDMP.

    1. Educational outreach for practitioners, law enforcement, regulatory boards or public

    2. Interstate data sharing

    3. Proposed new laws or regulations and how they may impact law enforcement access or use of PDMP reports.

III. Law Enforcement Access to PDMP Reports

A. Review the applicable statute/regulation allowing law enforcement access and use of PDMP reports.

B. Describe the process to enroll in the PDMP to be authorized to obtain data (i.e., review application, credentialing, vetting process, data use agreements), provide the form or a template of an authorization letter (if a form or letter is required), and any training materials on access, login, and retrieval of data.

C. Review security requirements for access to system (i.e., password format, changing passwords, securing their login credentials, deactivating accounts, lock-out for inactivity).

D. Discuss how to access the PDMP reports, request processing, samples of applications, system availability, internet requirements, mobile phone access, processing time, and report delivery.

E. Detail methodology to access and obtain data from PDMPs in other states.
    1. Interstate data sharing
    2. Direct request to other PDMPs

F. Provide a demonstration on how to log in, request information, and receive results. Ideally, allow attendees to perform the steps.

G. Detail report options (i.e., sorting, query options, exporting, report formats).

H. List any additional requirements for law enforcement (i.e., investigative file numbers, report to PDMP case status, results of investigation).

I. Detail penalties for inappropriate use or access of PDMP system and process on handling such violations.

J. Emphasize ethical **use of data; provide examples of both 'good' and 'poor'** reasons to use PDMP data.

IV. Reports Available to Law Enforcement

 A. Provide an overview of the types of reports available and compare/contrast the use of PDMP reports versus original prescriptions.

  1. Standard reports (i.e., prescriber, dispenser, patient)

  2. Specialty reports (i.e., statistical, geographical, trend)

  3. Solicited and unsolicited reports

 B. Create sample reports, using fictitious data, for each type as guide.

 C. Describe report options.

  1. Available formats (i.e., paper, spreadsheet, charts, text)

  2. Time parameters

  3. Report size

  4. Processing time to generate

  5. Available data fields

  6. Timeliness of data

 D. Explain unsolicited reports (if available to law enforcement).

  1. **Provide definition of 'unsolicited'**

  2. Describe thresholds used

  3. Frequency of generation

  4. List recipients of report

  5. Type of notice sent (full report or notification)

V. Dissemination of PDMP Reports and Information

 A. Discuss applicable statutes/rules in reference to the disposition of PDMP reports and information (i.e., patient privacy, retention periods).

 B. Discuss with whom the PDMP report and information can be shared under what conditions according to state laws and regulations.

VI. Interpretation of PDMP Reports

A. Explain the data elements contained in the PDMP reports (i.e., origination of data, meaning of element, significance of element) and which data elements may be excluded from report.

B. Explain the meaning and implications of any disclaimers upon the PDMP report data.

VII. Law Enforcement Resources

A. Create a portable guide or electronic file containing pertinent contacts and references for the participants.

B. Provide guide on requirements and methods to access other PDMPs in the country (resource from TTAC).

C. Provide list of resources from licensing boards, health departments, mental health, addiction treatment, etc.

D. Provide list of resources to assist in medication identification, pharmacology, and the appropriateness of prescribing or dispensing a certain medication.

Section 2 - Delivery Methods

It is important for PDMP Administrators to be aware and have an understanding of the different avenues and resources available to effectively reach the law enforcement community.

I. **Written Forms of Education**

A. Provide news or informational articles to local, state, and federal law enforcement agencies in your state.

B. Provide news or informational articles to police associations to include in their publications or post on their websites.

C. Develop flyers, brochures, and other written materials for print and online distribution.

II. **In-Person Training and Presentations**

A. Work with law enforcement agencies or narcotics associations to include PDMP education or training at their regional or state meetings and/or request vendor space or a booth at events.

B. Work with local, state, and federal law enforcement agencies to develop opportunities to present this information as part of their continuing education (CE) events. Since many law enforcement agencies require their officers/investigators to take additional courses, this may be a great opportunity to provide training to a large number of officers/investigators.

C. Work with law enforcement training academies to include PDMP education as part of their curriculum for new officers/investigators and as part of their continuing education.

D. Reach out to high ranking officials of various law enforcement agencies to gain the support for the training.

E. Ask law enforcement officers, skilled in the use of the PDMP, to assist in conducting the training, outreach, or encouraging use.

F. **Develop a 'train the trainer' program within the law enforcement community.**

III. Internet and Communications Technology

A. Use web conferencing to reach professionals. It is cost effective and can be used to educate or train a large number of law enforcement officers/investigators. This may be worth considering as travel funds for states have been drastically reduced. Web conferencing also allows a live training demonstration of the PDMP website. Use of conference calls is another inexpensive alternative to in-person presentation. The educational slides and materials may be emailed to participants prior to the event.

B. Develop a comprehensive and user friendly PDMP website. Make sure all of the resources an officer/investigator needs are available and easy to access.

C. Create a PDMP listserv to which interested officers/investigators can subscribe.

D. Web-based training is an effective and cost effective approach. Several PDMPs have used vendors or are creating their own online courses to train authorized users. Some PDMPs require the training to be taken before authorized users can register to use the system. This allows busy officers/investigators to take the training when it best fits their schedule, at no cost. These training programs may include a demonstration of how to register and request PDMP reports.

E. Partner with law enforcement training academies to create online continuing education credit (CE) courses. This provides a self-paced approach with valuable CE needed for certification.

F. Take advantage of video conferencing systems that could be used to remotely interact with and present the training to law enforcement agencies that have similar technology.

Section 3. - General Education and Training Considerations

I. General Considerations

A. Most state agencies have a communications division or office with expertise in communicating with stakeholders, the press, and public. If feasible the PDMP administrator should work with this group to develop an outreach plan and materials. The experience and resources of the communication office can be a valuable asset in developing an effective education curriculum. The communication office can provide mechanisms to assist the PDMP administrator deliver the important information such as: newsletters, listservs, press releases, and more.

B. Develop a partnership with national and state law enforcement associations to promote the use of PDMP reports and to identify experienced investigators to assist in the creation or presentation of the PDMP materials.

C. Contact the High Intensity Drug Trafficking Area (HIDTA) group for your state/region for assistance in developing, marketing, and presenting the PDMP materials.

D. Seek grant monies to develop a training or software program; i.e., National Institute on Drug Abuse may have funding opportunities.

II. Additional Suggestions and Ideas

A. Use PDMP data to help target your educational efforts. For example, the PDMP can identify areas of the state having a greater potential for drug abuse or diversion.

B. Provide a resource/contact list of experts from the medical, treatment, prevention, and regulatory communities from whom the law enforcement officer/investigator may ask questions or seek advice and guidance.

Section 3. - Appendix

I.   Agency web links

    A.   ONDCP - www.whitehouse.gov/ondcp

    B.   CDC - www.cdc.gov/

    C.   DAWN - www.samhsa.gov/data/DAWN.aspx

    D.   DEA – www.deadiversion.usdoj.gov

    E.   NFLIS - www.deadiversion.usdoj.gov/nflis/index.html#reports

    F.   NSDUH - oas.samhsa.gov/nsduh.htm

II.   Law/Regulations web links

    A.   HIPAA – www.hhs.gov/ocr/privacy/hipaa/administrative/statute/index.html

    B.   42CFR - ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title42/42tab_02.tpl

    C.   21CFR - ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title21/21tab_02.tpl