THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2550
Fax: 907.465.2974

January 31, 2017

SB74 & The Prescription Drug Monitoring Program (PDMP)

On June 21, 2016 Governor Walker signed Senate Bill 74. This Bill involved multiple components and professions, including the Board of Pharmacy and the PDMP. Because SB74 outlines specific mandates in regards to the PDMP we wanted to provide you with some early FAQ's. In addition, the Board of Pharmacy is currently working on writing regulations to fully comply with SB74 so please continue to review the Board website for updates.

Utilize the following links for full details:

Senate Bill 74: http://www.akleg.gov/PDF/29/Bills/SB0074Z.PDF

Board of Pharmacy - PDMP Website:
https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofPharmacy/PrescriptionDrugMonitoringProgram.aspx

Board of Pharmacy – Main Website:
https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofPharmacy.aspx

Frequently Asked Questions

Q. What is the PDMP?
A. The Alaska Board of Pharmacy has created the secure online database to be used across the State of Alaska to improve public health. Practitioners have access to their patient's information before they prescribe or dispense drugs. This will allow them to look for duplicate prescribing, possible misuse, drug interactions, and other potential concerns. More information means better patient care.

Q. Is the PDMP new?
A. No, the PDMP is not new. Pharmacies have been submitting data into the database since 2011 and practitioners have had access to the patient database since 2012.

Q. What does the PDMP do?
A. The PDMP is a centralized database that will hold controlled substance prescription information for all patients across the state. Dispensers will submit data to the database. Prescribers will be able to review prescription history information and look for potential interactions. It will protect patient safety and deter prescription drug misuse.

Q. What are the benefits of the PDMP?
A. Prescription review will protect the public and will:

Increase: Quality of care, confidence when prescribing & dispensing and efficiency of medical care.
Decrease: Drug misuse, accidents and potential deaths, crime rates and taxpayer costs.

Q. How many professionals are currently registered to use the PDMP?
A. As of December 22, 2016, the following number of professionals are registered:

Role	# of Registered Users	Total # of AK Licenses
Dentist	96	859
Nurse Practitioner & Clinical Nurse Specialist	287	1,060
Pharmacist	571	1,047
Physician (MD, DO)	634	4,212
Physician Assistant	250	611
Podiatrist (DPM)	3	28
Optometrist	-	206
Veterinarian	6	394
Total	**1,847**	**8,417**

Q. If the PDMP is not new, why is it a priority now?
A. SB74 made changes to the database requirements including the mandating of other professions to be involved with utilization of the PDMP. It also mandates that all pharmacists register with the PDMP. Please visit the Board website above on how to register for the PDMP.

Q. What medications does the PDMP monitor?
A. Currently, the PDMP collects data on Schedule II, III, IV and V medications. When SB74 goes into full effect in July 2017 this will change to only require collecting data on Schedule II, III and IV medications.

Q. How do we get information about using the program?
A. All information on registering and using the database is located on the Board of Pharmacy website above.

Q. What are the requirements for my profession regarding the registration and use of the PDMP?
A. SB74 outlined the changes and requirements for the impacted professions. Refer to your profession regulations and statutes and the final version of SB74.

Q. Are there any concerns about HIPAA?
A. No, SB74 clearly outlines who has access to the database and restrictions on the use of information. Refer to SB74.

Q. As a practitioner, am I required to submit data to the PDMP if I directly dispense a control substance in federal schedules II, III or IV?
A. Yes, unless they are administered to a patient at a health care facility.

SB74 states: "The pharmacist-in-charge of each licensed or registered pharmacy, regarding each schedule II, III, or IV controlled substance under federal law dispensed by a pharmacist under the supervision of the pharmacist-in-charge, and each practitioner who directly dispenses a schedule II, III, or IV controlled substance under federal law other than those administered to a patient at a health care facility, shall submit to the board, by a procedure and in a format established by the board, the following information for inclusion in the database on at least a weekly basis:

(1) the name of the prescribing practitioner and the practitioner's federal Drug Enforcement Administration registration number or other appropriate identifier;
(2) the date of the prescription;
(3) the date the prescription was filled and the method of payment; this paragraph does not authorize the board to include individual credit card or other account numbers in the database;
(4) the name, address, and date of birth of the person for whom the prescription was written;
(5) the name and national drug code of the controlled substance;

(6) the quantity and strength of the controlled substance dispensed;
(7) the name of the drug outlet dispensing the controlled substance; and
(8) the name of the pharmacist or practitioner dispensing the controlled substance and other appropriate identifying information.

Q. Are there any exemptions to registering or submitting to the PDMP?
A. No. SB74 states: "The failure of a pharmacist-in-charge, pharmacist, or practitioner to register or submit information to the database as required under this section is grounds for the board to take disciplinary action against the license or registration of the pharmacy or pharmacist or for another licensing board to take disciplinary action against a practitioner."

Q. Is there any civil liability associated with the PDMP?
A. No, SB74 states: "An individual who has submitted information to the database in accordance with this section may not be held civilly liable for having submitted the information. Dispensers or practitioners may not be held civilly liable for damages for accessing or failing to access the information in the database."

Q. May the Board of Pharmacy notify a pharmacist or practitioner if a patient has received too many control substance prescriptions?
A. Yes, SB74 states: "The board is authorized to provide unsolicited notification to a pharmacist or practitioner if a patient has received one or more prescriptions for controlled substances in quantities or with a frequency inconsistent with generally recognized standards of safe practice."

Q. How often is the database updated?
A. SB74 requires the database be updated on at least a weekly basis, which means dispensers are mandated to submit data on at least a weekly basis. SB74 outlines what data is required to be submitted to the PDMP.

Q. How long is the data stored?
A. SB74 requires "that prescription information in the database be purged from the database after two years have elapsed from the date the prescription was dispensed."

Q. As a practitioner, am I required to review the PDMP?
A. SB 74 states: "that a practitioner review the information in the database to check a patient's prescription records before dispensing, prescribing, or administering a schedule II or III controlled substance under federal law to the patient."

Q. Are there exemptions to this requirement?
A. Yes, SB74 states "the regulations must provide that a practitioner is not required to review the information in the database before dispensing, prescribing, or administering
(A) a controlled substance to a person who is receiving treatment
(i) in an inpatient setting;
(ii) at the scene of an emergency or in an ambulance; in this sub-subparagraph, "ambulance" has the meaning given in AS 18.08.200;
(iii) in an emergency room;
(iv) immediately before, during, or within the first 48 hours after surgery or a medical procedure;
(v) in a hospice or nursing home that has an in-house pharmacy; or
(B) a nonrefillable prescription of a controlled substance in a quantity intended to last for not more than three days.

Q. As a pharmacist, am I required to review the PDMP before dispensing a controlled substance prescription?
A. Yes. The Board of Pharmacy must adopt regulations requiring that a practitioner review the information in the database to check a patient's prescription records before dispensing, prescribing, or administering a schedule II or III controlled substance under federal law to the patient, with the exceptions noted above.

Q. Is there a method for an individual to challenge the information in the database?
A. Yes, SB74 requires the board to "provide a method for an individual to challenge information in the database about the individual that the person believes is incorrect or was incorrectly entered by a dispenser."

Q. Can the practitioner show the requested profile to the patient?
A. Yes. This is up to the professional judgment of the practitioner.

Q. Can the practitioner share the patient profile report with the other practitioners on the report?
A. You may contact the other practitioners and pharmacies on the report. However, you may not copy or distribute the report that was generated for you. If they would like a report on that patient, they may request one at any time.

Q. Should this patient profile report be filed with the patients' permanent record?
A. This is up to the professional judgment of the practitioner.

Q. Are there any fees associated with registering with the PDMP?
A. The Department of Commerce, Community, and Economic Development shall assist the board and provide necessary staff and equipment to implement SB74 and establish fees for registration with the database by a pharmacist or practitioner required to register under AS 17.30.200(o) so that the total amount of fees collected by the department equals the total operational costs of the database minus all federal funds acquired for the operational costs of the database; in setting the fee levels the department shall (A) set the fees for registration with the database so that the fees are the same for all practitioners and pharmacists required to register; and (B) consult with the board to establish fees under this paragraph.

Q. What is the definition of "practitioner"?
A. Per SB74, "practitioner" has the meaning given in AS 11.71.900 (19):

(A) a physician, dentist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer or use in teaching or chemical analysis a controlled substance in the course of professional practice or research in the state;

(B) a pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in the state.

We hope that these FAQ's will provide you with some answers to questions you may have regarding SB74 and the PDMP requirements. If after reviewing the above FAQ's, SB74 and the Board of Pharmacy website, you have additional questions you may contact:

Alaska Prescription Drug Monitoring Program
550 West 7th Avenue, Suite 1500
Anchorage, Alaska 99501-3567
Telephone 907-269-8404
Fax 907-269-6003
akpdmp@alaska.gov

Sincerely,
Board of Pharmacy

NOTE: These are not final regulations and do not detail all of the requirements of SB74.
Final regulations will be forthcoming by the Board and will be posted to the website when complete.