

**Department of
Veterans Affairs**

Memorandum

Date: May 17, 2017

From: Randy Ledsoe, Director, Field Security Service

Subject: Authorization to Transmit VHA Prescription Drug Data to State Prescription Monitoring Programs

To: Chairman, Enterprise Security Change Management Board (ESCCB)

1. The Consolidated Appropriations Act, 2012, Public Law Number 112-74, § 230, 125 Stat. 786 (the “Act”) amended 38 U.S.C. § 5701 and § 7332 to allow the Secretary to “disclose information about a veteran or the dependent of a veteran to a State controlled substance monitoring program . . . to the extent necessary to prevent misuse and diversion of prescription medicines.” Section 914 of the Comprehensive Addiction and Recovery Act of 2016, (CARA), 114 P.L. 198, § 914, 130 Stat. 695, made the disclosure mandatory. This requires the Veterans Health Administration (VHA) to make information available regarding prescription drugs to state-level reporting databases known as Prescription Drug Monitoring Programs (PDMPs) or Prescription Monitoring Programs (PMPs). To comply with the legislation, VHA is required to have the function and ability to do three things: 1. VHA must have the ability to collect the necessary prescription data electronically, 2. VHA must have the ability to make this data available to all approved state drug reporting databases electronically, 3. VHA providers and pharmacists must have the ability to electronically query, extract, and use data from corresponding state drug reporting databases.
2. Authority for the Department of Veterans Affairs to share data for the purpose outlined in this memorandum with the State PDMP recipients is as follows:
 - Consolidated Appropriations Act, 2012, P. L. No. 112-74, § 230, 125 Stat. 786, 1159 (2011), codified at 38 U.S.C. §§ 5701 and 7332
 - Comprehensive Addiction and Recovery Act of 2016, 114 P.L. No. 198, § 914, 130 Stat. 695 (2016), codified at 38 U.S.C. § 5701
 - Confidential nature of claims, 38 U.S.C § 5701
 - Confidentiality of certain medical records, 38 U.S.C. § 7332
 - 38 C.F.R. § 1.515, Disclosure of information to participate in state prescription drug monitoring programs,
 - HIPAA Privacy Rule, 45 C.F.R. Parts 160 and 164, Standards for Privacy of Individually Identifiable Health Information
 - Privacy Act of 1974, 5 U.S.C. § 552a, as amended
 - VA Privacy Act System of Records Notice, “Patient Medical Record-VA’ (24VA10P2), 79 Fed. Reg. 47727-47733, Routine Use #59

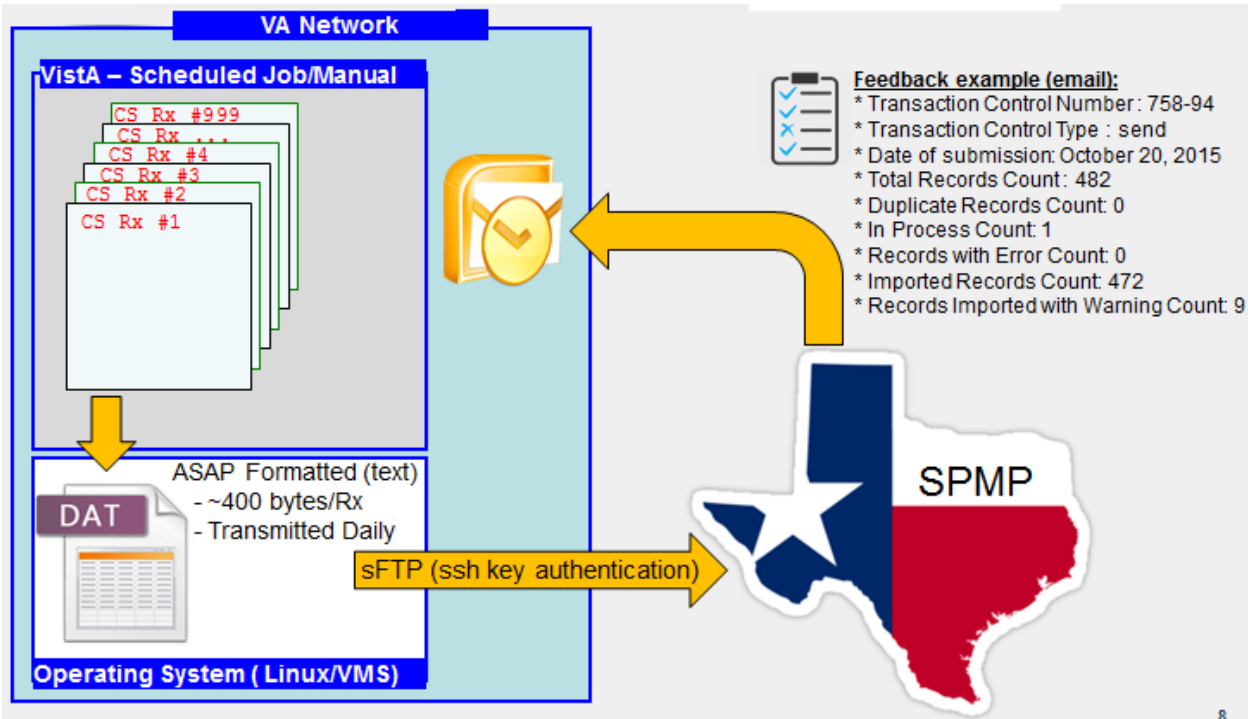
3. The scope of this effort for VA is to have in place IT infrastructure (computer hardware/software) to allow for extraction of prescription drug-related data from VistA and transmit such data securely to respective State PDMP collection systems, outside of the VA perimeter Firewall. Furthermore, such transmissions should comply with requirements of VA Handbooks 6500, Information Flow Enforcement AC-4. Technical details on how the transmission is established or maintained are included below.
4. Specific Technical details:

The Outpatient Pharmacy VistA application allows all VA sites to transmit controlled substance prescription information to the State PDMPs. Data that is sent outbound includes information standardized by the American Society for Automation in Pharmacy (ASAP). This data is considered Veteran Protected Health Information (PHI) under the HIPAA Privacy Rule and Sensitive Personal Information (SPI). The data elements being transmitted are:

- Patient demographics (includes name, DOB, SSN or Patient Unique ID, and address)
- Patient dispensing record (includes Rx and drug information)
- Prescriber information (includes prescriber DEA number)
- Facility information (includes facility DEA number)

The PDMP software within the Outpatient Pharmacy VistA application determines when a prescription is filled and in what state the VA Medical Center is located. Logic within the application then determines the appropriate connection to send the applicable data. This logic occurs without intervention or actions by the prescribing facility. IP addresses are updated within the Outpatient Pharmacy VistA application when notified by a State PDMP program.

VA sites transmit data to their State's PDMP using the American Society for Automation in Pharmacy (ASAP) format. Connections to the States are made through **SFTP** connections to the State database either directly or through a contracted company that facilitates the transfer without storing the data. SSH security keys are exchanged to ensure authorized file transfers. FIPS 140-2 certificate numbers are provided for each connection receiving data.



Workflow example

5. Information Flow Enforcement compliance NIST SP 800-53 AC-4, VA HB 6500.

The VA information system enforces approved authorization for controlling the flow of information within the system and when transmitting to external systems based on information flow control policies. VA-NSOC enforces requirement for flow control at the VA Gateway by blocking any transmission in the clear to the Internet. In addition, it is VA policy delineated in VA Memorandum dated June 26, 2016 from ADAS, Security Operations that prohibits use of FTP and Telnet protocols for data transmission originating from any VA system to External entities.

6. Summary:

- a. VA is mandated by statute to provide VHA prescription data to all State PDMP entities and has legal authority to make this disclosure.
- b. Transmission of State PDMP data through VA gateway is accomplished by utilizing SFTP encrypted protocol with SSH authentication.
- c. VA-NSOC enforces secure transmission and examines and monitors transmission data for anomalies and any unauthorized activities.
- d. Upon completion of secured transmission of State PDMP data to respective State's data collection systems from the VA system as required by statute, all privacy and security protection of such data is the sole responsibility of that State agency.

7. Recommendation:

It is the recommendation of the undersigned to approve the transfer of VHA prescription drug data described in Paragraph 4 to respective State PDMP collection systems.

AGREED:

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