

# Mandatory Use Compliance

PDMP Administrators' National Meeting

Dr. Jamie Turpin, PharmD

May 7, 2024



# What is the law?



## Act 820 of 2017

- Enacted in the summer of 2017
- Prescriber shall check the information in the PDMP prior to prescribing:
  - Schedule II or III opioid every time
  - Benzodiazepine for the first time
- Some exceptions:
  - Inpatient administration
  - Prescriptions to hospice and nursing home patients
  - Administration of medication in emergent situation (ie. EMS)

# Original Method--Manual Audits



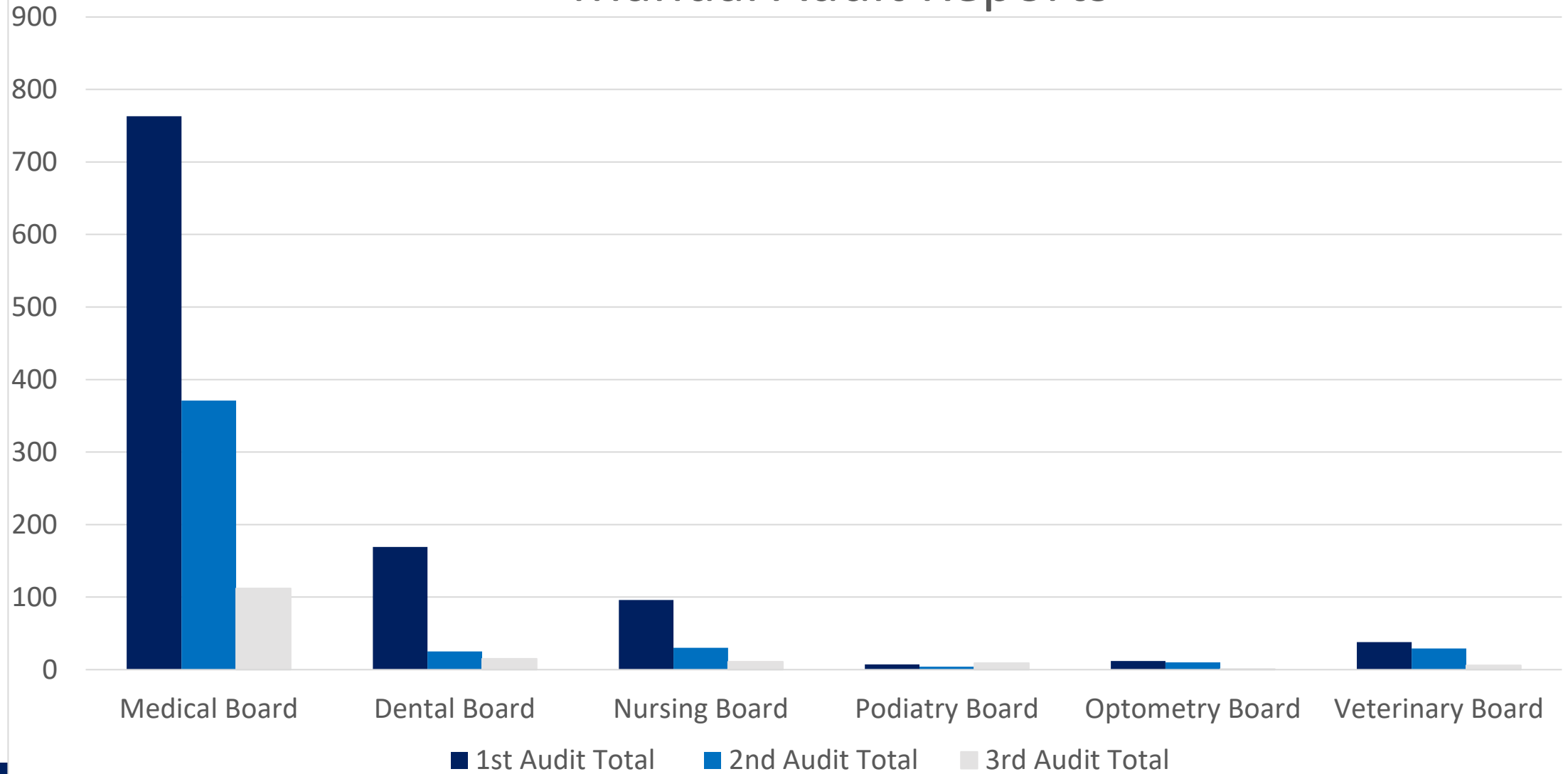
- Parameters
  - Schedule II or III opioid within date range
  - PDMP registered account
- If a provider is not registered with the PDMP and prescribes in one of the above categories, then the prescriber is not in compliance with the mandatory use law.
- Date ranges
  - January 1 to June 30, 2018 (1<sup>st</sup> Audit)
  - July 1 to December 31, 2018 (2<sup>nd</sup> Audit)
  - January 1 to June 30, 2019 (3<sup>rd</sup> Audit)
- List sent to professional boards
- Downfalls of the Audit
  - Cannot distinguish exempt scenario's (is. Hospice)
  - Prescribers at the VA
  - Multiple/incorrect DEA numbers

# Manual Audit Results



<b>Professional Boards</b>	<b>1st Audit Total</b>	<b>2nd Audit Total</b>	<b>3rd Audit Total</b>
<b>Medical Board</b>	<b>763</b>	<b>371</b>	<b>112</b>
<b>Dental Board</b>	<b>169</b>	<b>25</b>	<b>15</b>
<b>Nursing Board</b>	<b>96</b>	<b>30</b>	<b>11</b>
<b>Podiatry Board</b>	<b>7</b>	<b>4</b>	<b>9</b>
<b>Optometry Board</b>	<b>12</b>	<b>10</b>	<b>1</b>
<b>Veterinary Board</b>	<b>38</b>	<b>29</b>	<b>6</b>

# Manual Audit Reports



# New Method--Mandatory Use Module



## Fall/Winter 2021

- Mandatory Use Module provided by Bamboo Health
- Collaborated with the professional licensing boards to establish the thresholds
- Drafted a letter to be sent to providers who appeared non-compliant
- Obtained provider addresses from boards
- Generate the list and merge with addresses from licensing boards
- Utilize the Mail Merge feature in Excel to create the letters
- Print off letters, address and stuff envelopes, and mail out letters

# New Method--Mandatory Use Module



## Protocol:           Steps to Running the Mandatory Use Module:

- (1) Select the date range in which a search needed to be performed prior to the written date of the prescription—**90 Days**
- (2) Select the date range of dispensations to identify compliance—**90 Days**
- (3) Select a Role Type
- (4) Remove **Hospice and Palliative Care** Healthcare Specialty
- (5) Select Drug Schedule—**2 and 3**
- (6) Select Drug Category—**Buprenorphine and Opioids**
- (7) Select Provider Search Rate—**0%**
- (8) Export to CSV
- (9) Sort Excel Spread Sheet by highest number of dispensations to lowest.
- (10) Narrow list to the top offenders.
- (11) Spot check the providers on the list with search history in PMP AWARE.

Threshold:           Must have at least 25 dispensations with out a corresponding PMP AWARE query



## Arkansas Department of Health

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Governor Asa Hutchinson  
José R. Romero, MD, Secretary of Health

10/25/2021

Name  
Address  
City, State Zip  
Professional License Number  
DEA number

Dear Dr. **Last Name**,

The Arkansas Prescription Drug Monitoring Program (AR PDMP) has completed a Mandatory Use Non-Compliance report for all Arkansas licensed prescribers that authorized a prescription for a schedule II or III opioid that was dispensed to the patient but for which no patient queries were identified.

According to or Under Arkansas Code § 20-7-604 (d)(2), the AR PDMP has identified Dr. **Last Name** for possible non-compliance to the mandatory use of the PDMP. According to the statute:

- (A) A prescriber shall check the information in the program when prescribing:*
- (i) An opioid from Schedule II or Schedule III for every time prescribing the medication to a patient; and*
  - (ii) A benzodiazepine medication for the first time prescribing the medication to a patient.*

There are some exceptions to this law regarding hospice patients, nursing home patients, etc. You can view Act 820 of 2017 here:

<https://www.arkleg.state.ar.us/Acts/FTPDocument?type=PDF&file=820&ddBienniumSession=2017%2F2017R>

This letter is a first notification of non-compliance and meant to be educational; however, the AR PDMP will run another Mandatory Use Non-Compliance report in early 2022 and any provider that appears to still be non-compliant will be reported to their professional licensing board.

The AR PDMP has identified **Number** dispensations for a schedule II or III opioid written between July 1, 2021, and September 30, 2021, in which a patient query for the prescription written was not performed or attributed to you in the AR PDMP.

There are some instances where you may be checking the PDMP in compliance to the law but you are still being identified as non-compliant. Here are some of those instances:

- (1) If you have someone else (a delegate) in your office/clinic/hospital run a patient report for you, but s/he may not attribute the patient search to you appropriately. In the PDMP web portal a delegate must select a supervisor before searching a patient. Make sure all your delegates have been approved by yourself to search the PDMP under your authority.
- (2) If the prescription written falls within one of the exceptions to the law (i.e. hospice patients), the AR PDMP data is limited and cannot identify a diagnosis for individual prescriptions. If you think this applies to you, please contact the AR PDMP at the email or phone number listed below.
- (3) If you do not/did not write prescriptions for schedule II or III opioids, please log into your PDMP account and run a "MyRx" report to see if there are prescriptions dispensed in error or fraudulently. If there is an error, please notify the pharmacy to get the error corrected. If there appears to be fraudulent activity, please contact your local law enforcement agency.

If you are still utilizing the PMP AWARE web-portal to run patient queries, the Arkansas Department of Health is currently covering the licensing fees for the integration of the AR PDMP into electronic health records (EHR). By integrating the AR PDMP into your EHR, checking a patient's controlled substance history is available with a one-click option.

Please feel free to contact the Arkansas Prescription Drug Monitoring Program for any questions at 501-661-2162 or [Jamie.turpin@arkansas.gov](mailto:Jamie.turpin@arkansas.gov).

Sincerely,

Jamie Turpin, PharmD  
PDMP Administrator





# 2021 Non-compliance Notifications



- Feedback

- AR/TX licensed provider working out of state on border town (ie. Texarkana, TX)
- Exceptions-hospice/nursing home
- Account info not updated (NPI/DEA)
- Pharmacy errors
- Not attributing search to correct provider/Delegate account set up properly
- Unaware of the law

- Issues

- Lots of letters were returned to sender

Number of Letters Sent	
MD/DO	397
PA	16
APRN	46
DDS	137
POD	11
OPT	5

# 2022 Non-Compliance Notifications



- Non-Compliance Emails
  - Mandatory Use Module (Same parameters as the 2021 report)
  - Emails sent to 2<sup>nd</sup> offenders (on both 2021 and 2022 reports)
- Send out batch emails from [Jamie.turpin@arkansas.gov](mailto:Jamie.turpin@arkansas.gov)
- Attach the 2021 non-compliance letter previously mailed
- Email language:

*Dear Healthcare Provider,*

*The Arkansas Prescription Drug Monitoring Program (AR PDMP) has generated a second report to identify prescribers that appear to be non-compliant with Act 820 of 2017 that mandates a prescriber run at patient controlled substances history in the AR PDMP prior to prescribing a schedule II or III opioid every time with the exception of hospice and nursing home patients.*

*On October 25, 2021 the AR PDMP mailed out notifications of non-compliance, please see your first notification attached. Since you have been flagged as non-compliant on the report ran on 12/12/2022, I am following up to see if you have any questions on the Mandatory Use Law for the PDMP or how to utilize your AR PDMP account.*

*If your practice fits within the exception of hospice or nursing patients, please let me know so I can notate your practice setting.*

*Future flags of non-compliance will be reported to the Arkansas State Medical Board.*

# 2022 Non-Compliance Notifications



Results		
	MD/DO	DDS
2021	397	137
2022	213	83
2021/2022	99	19

- Feedback:
  - A lot of providers stated they did not receive the original letter.
- Recommendation:
  - Make sure boards has most up to date address and PDMP account has active email address

# Future Efforts



- Both the 2021 and 2022 methods were very time-consuming since the outreach was done by programmatic staff
- Purchase an automated notification system for healthcare providers
  - Continue to use the Mandatory Use Module
  - Upload report that will send out automated electronic notifications
- Increase the frequency of notifications
- Research how to include medical residents
- Update and Confirm – Annual requirement for PMP AWARE user to update email addresses

# Questions? Discussion?

