

Report to the General Assembly: Controlled Substance Database Report

A Report to the 2007 105th Tennessee General Assembly

Tennessee Department of Health

**Controlled Substance Database Advisory Committee
Board of Pharmacy**

February, 2008

BACKGROUND AND SUMMARY OF THE LAW:

The Controlled Substance Monitoring Act of 2002 was enacted on or about July 3, 2002 in the 2002 Public Acts, Chapter 840, codified in Tenn. Code Ann. §53-10-301, et seq. for the creation of the controlled substance database (“database”) which is administratively attached to the Board of Pharmacy (“Board”). Tenn. Code Ann. §53-10-304(c) explicitly provides that the purpose of the database is “...to assist in research, statistical analysis and the education of health care practitioners concerning patients who, by virtue of their conduct in acquiring controlled substances, may require counseling or intervention for substance abuse...” Toward that end, dispensers (prescribers and pharmacists) are required to submit data about the controlled substances dispensed (including strength and quantity) along with the patient’s name, twice each month to Optimum Technologies who has contracted with the Board of Pharmacy to compile the data for the database. The law also provides that the Board along with the Committee shall establish, administer, maintain and direct the functioning of the database (Tenn. Code Ann. §53-10-304(b)).

In addition to those duties, pursuant to Tenn. Code Ann. §53-10-309, the committee was required to report annually on the outcome of the program with respect to its effect on distribution and abuse of controlled substances along with recommendations for improving control and prevention of diversion of controlled substances. Tenn. Code Ann. §53-10-309 was amended in Public Chapter 498 of the 2007 Public Acts to provide that in addition to the annual reporting requirement recited above, the committee is required to file an annual report with the house and senate general welfare committees starting on or by February 1, 2008 and each year thereafter to include a monthly analysis about tracking the individuals or entities who/that access the database and the security measures taken to ensure that only authorized persons or entities access the database. This report is submitted in compliance with these reporting mandates.

DATA TRACKING AND SECURITY MEASURES:

On or about July 1, 2007, the database became fully functional, meaning that pharmacists, pharmacies and prescribers (“dispensers”) submitted data to and accessed data from the database, and that other authorized persons or entities who/that were allowed to obtain information from the database were accessing it as well. Although the electronic access to the database did not become functional until July 1, 2007, the Board of Pharmacy began to collect prescription data from dispensers beginning in December, 2006 so that when the database became operative, there would be enough data for the health care provider to be able to make an accurate judgment on how to best treat the patient. The following data accumulated to compile this report pursuant to Tenn. Code Ann. §53-10-309 reflects the period of time from January 1, 2007 to December 31, 2007:

Total number of prescriptions entered into the database: 17,738,054

Total number of data uploads: 259

Total number of individuals with password access: 3,717 (Board of Pharmacy Staff – 3; Investigators – 19; Pharmacists- 1,651; and Prescribers- 2,454)

Total number of dispensers (pharmacists and prescribers) who submit data: 2,465

Total number of requests for prescription reports: 135,940 (patient prescription history: 134,867; dispenser prescription history: 1,073)

This report does not include a monthly analysis about tracking the individuals or entities who/that access the database as required by Tenn. Code Ann. §53-10-309. Prior to compiling the data reported above, the Board of Pharmacy did not have the software available to create a report about access to the database on a monthly basis. As of the writing of this report, that software is now available to the Board of Pharmacy staff and the monthly analysis will be submitted in the 2009 annual report.

The Board of Pharmacy employs the following security measures to ensure that only authorized persons or entities have access to the database:

- (1). Before the dispensers are granted access to the database, they must submit a registration request to Board of Pharmacy staff, the Board of Pharmacy staff reviews the request to ensure that the dispenser's license is in good standing in Tennessee or any other states where the individual has a license;
- (2). When the dispenser is granted access, the computer generates a security profile for that user, which, in turn, offers the Board of Pharmacy complete control over what data can be accessed, viewed, updated, or deleted; and
- (3). Requests for access by persons other than a dispenser are reviewed by Board of Pharmacy staff with Legal to determine if the person requesting access can be granted access pursuant to applicable laws and rules.

RECOMMENDATIONS:

Because 2007 was the first year that the database was functional, the Committee is unable to determine the database's affect on preventing the abuse of controlled substances. Likewise, the Committee does not have any recommendations at this time based on the data currently available to the Committee for the improvement of the program to control and prevent diversion of controlled substances.

Although the data collected as of December 31, 2007 is not yet indicative of the program's effectiveness, the Board of Pharmacy has taken a proactive role in making the database a tool that can be used in preventing and treating the misuse and abuse of controlled substances. The Tennessee Department of Health (Board of Pharmacy and Health Related Boards), Tennessee Medical Association, Tennessee Pharmacist Association, Drug Enforcement Agency, Federal Bureau of Investigation, District Attorneys, other federal and state law enforcement are collaborating with the Tennessee Bureau of Investigation to develop statewide strategies to prevent the over-prescribing and diversion of controlled substances in the State of Tennessee through participation in the Tennessee Drug Diversion Task Force. The task force is developing educational programs aimed at helping prescribers, dispensers, and law enforcement better

understand prescribing practices and teaching health care professionals and law enforcement how to effectively use the database to identify and prohibit controlled substance abuse and diversion. By conveying the proper use of the database through educational programs, it is the Board's and the Committee's expectation that the data accumulated during 2008 will demonstrate trends in the use of the database as well as the database's effectiveness.