

The Council of State Governments National Center for Interstate Compacts

Prescription Drug Monitoring: Exploring Interstate Cooperation National Advisory Panel

*Meeting II Summary
December 15-16, 2009
Washington, DC*

National Advisory Panel - Composition

- Ali Bovington - Montana Attorney General's Office
- Danna E. Droz - Ohio Board of Pharmacy
- Kathy Ellis - CA DOJ/Bureau of Narcotic Enforcement
- Jennifer Fan - SAMHSA
- James Giglio - Alliance of States with Prescription Monitoring Programs
- Sherry Green - National Alliance for Model State Drug Laws
- Lee Guice - Kentucky Cabinet for Health and Family Services
- Dave Hopkins - Kentucky Cabinet for Health and Family Services
- Senator Jeff Kruse - Oregon Legislative Assembly
- James McMillan - National Center for State Courts
- Megan O'Donnell - Office of Congressman Harold Rogers
- Ralph A. Orr - NASCSA
- Nick Reuter - SAMHSA
- Rebecca Rose - Office of Justice Programs Senator
- Vicki Schmidt - State of Kansas
- Scott Serich - IJIS Institute

Review of Meeting I Accomplishments

During the first meeting, the panel was tasked with identifying the key subject areas an interstate compact would need to address. They are summarized as follows:

- Education—responsibility of providers, data integrity, training requirements (start up versus ongoing)
- Funding—state funding, costs of data sharing, costs of operation
- Security and Access—authorized users, authentication, audit trails, Internet access, vendor security, reporting, privacy, confidentiality, use of data

- Technology—data transfer and exchange, uniformity and standards, cost reduction, compatibility, quality/error correction

The panel also developed a goal statement for the potential interstate compact:

“To provide a framework for state administered prescription drug monitoring programs to securely share data to improve public health and safety.”

Meeting II Objectives

For the second meeting, the advisory panel had the following objectives:

- Develop a solid set of recommendations to be included in a draft compact in each of the four policy areas
- Explore the possibility of additional funding for the drafting phase of the project
- Begin exploring the possibility of forming a drafting team that would be tasked with drafting a compact

Recommendations

Governance

The interstate compact will be governed by an “Interstate Commission.” The Commission will:

- Be comprised of one representative from each participating state.
 - Agency head/commissioner
 - Language for delegation of Commission decision making authority will be included
- Include a non-voting technical advisor (the PMP administrator) designated for each state (to be considered more thoroughly by the drafting committee).
- Have limited authority to engage in rule making.
- Oversee the administration of the data sharing hub, including the contracting for services from outside vendors.
- Have a committee structure for specific issue governance, i.e. policy, compliance, education, technology, etc., and will include specific opportunities for stakeholder input.

Authorized Use and Access of Data

- Ownership of data is retained by the disclosing state.
 1. When data is shared, the user is bound by the rules of their own state.
 2. Data is only provided to users in accordance with the owning state’s rules.
 3. Shared data is not stored in the recipient’s database; it is used only for preparation of the report.

- a. Needs to address what is done with the report (for a single purpose (?) and not for tracking or data purposes).
- 4. The owning state can control the end users in the recipient state (through an automated filtering system either in the states own automated system OR through the hub).
- 5. The receiving state agrees to no third-party sharing of the data (one time use of the data) unless ordered by a Court of competent jurisdiction
- The Commission will establish rules and regulations/minimum standards for authentication requirements for usage of the hub.
 - Authorization of users will be managed by individual states.

Technology and Security

- The Commission will establish the technology rules, standards, etc. for the hub.
- The Commission will establish hub security standards.
- The Commission will establish functional specifications.

Funding

- States will take responsibility for the ultimate provision of funding for the governance and operations of the hub.
- An annual participation dues will be established. In addition, a variable fee will be established based upon the total prescribers/licensees within the participating state.
- Fees will be recalculated and assessed on an annual basis.

Boilerplate Language/Misc.

- Interstate compact does not override states' constitution.
- The compact does not override states' authority for controlled substances and PMP.
- The Commission has the authority to seek funds and enter into contracts.
- Any state that is participating in the compact will notify the compact's governing authority of changes in their PMP policies, statutes and/or regulations.

Parking Lot Issues

- Indemnity language is needed
- Establish a training/education committee composed of Commission members to develop a uniform message
- The compact should not require states to establish advisory committees to inform the Commission (overriding value is autonomy at the state level)
- Include the following in the definitions section:
 - Authorization
 - Authentication

- Ownership
- NASPER has authentication requirements; the drafting team should reference these during the drafting phase
- Either by rule or policy, the Commission needs to develop protocols pertaining to the retention of records
- Allow the drafting team to access the technical information developed during the first meeting.
- A cost model for a hub exists (resource person = Dave Hopkins).
 - The cost model includes funds for the people who would administer the hub. It DOES NOT include funds for the governance structure outlined in the compact.
- For purposes of marketing the compact to legislators, it would be helpful to provide a costs/benefits analysis.
- In order for the compact to be enacted, at least 5 states must agree to sign on.
 - Contiguous states ideal
 - Entrance fee must be manageable for initial states
 - Start up costs need to be equitable among member states, regardless of the time when they join the compact
 - Education/marketing is a key to this issue

Drafting Team Composition and Considerations

- Ali Bovington - Montana Attorney General's Office
- June Dahl – University of Wisconsin School of Medicine and Public Health
- Danna E. Droz - Ohio Board of Pharmacy
- Kathy Ellis - CA DOJ/Bureau of Narcotic Enforcement
- James Giglio - Alliance of States with Prescription Monitoring Programs
- Sherry Green - National Alliance for Model State Drug Laws
- Dave Hopkins - Kentucky Cabinet for Health and Family Services
- Ralph A. Orr - NASCSA
- Vicki Schmidt - State of Kansas
- Scott Serich - IJIS Institute
- The drafting team members tentatively discussed meeting for the first time in February.
 - CSG staff agreed to double check the budget to see if this was possible and will follow-up with the group after the holidays.
- John Mountjoy thought the drafting team would need to meet in person a total of three to four times.
 - He suggested meeting about every six weeks with the goal of having a draft compact available for review by the advisory group by the middle of the summer.

- Following the review period, a legislative briefing could be held in the fall and legislation could be introduced during the 2011 session.

Additional Funding

- The group concluded the meeting with a discussion about additional funding opportunities.
 - Several options were considered, including BJA, SAMHSA, OJJDP, and various private sector entities.
 - CSG staff agreed to develop a proposal for both BJA and SAMHSA to review.
 - This proposal would provide a budget and timeline for the project moving forward.