

CHAPTER X

PRESCRIPTION DRUG MONITORING

10.1 **Purpose and Applicability** – The provisions of the ordinance will serve to enact the development and administration of a program for monitoring the prescribing and dispensing of schedule II, III, and IV controlled substances by professionals licensed to prescribe or dispense such substances within Boone County; and establishing penalties for violations thereof. In order to enhance the public health and prevent the entrance of disease in Boone County, the provisions of this ordinance shall apply to all areas in Boone County except those areas within the municipal boundaries of cities excepted under RSMo Sec. 192.310 (cities with a population of seventy-five thousand or more which are maintaining organized health departments). The provisions of this ordinance shall not apply to persons licensed pursuant to Chapter 340 RSMo. This ordinance follows the provisions and guidelines set forth in compliance with Ordinance Number 26352 (3-1-2016) established by St Louis County.

10.2 **Statutory Authority** – These provisions are enacted under the authority provided in RSMo Sec. 192.300 and serve to enhance the public health and prevent the entrance of dangerous diseases into Boone County. The County Commission finds on the basis of the legislative record before it that opioid dependence is a dangerous disease and preventing opioid drug addiction would serve to enhance the public health.

10.3 **Definitions** – The following terms shall have meanings ascribed to them as follows:

- a. Controlled Substance means a drug, substance, or immediate precursor in schedules II through IV as set out in Chapter 195 RSMo.
- b. Department means St Louis County Department of Public Health (DPH).
- c. Director means the Director of the St Louis County Department of Public Health, or

the person or persons duly designated by the Director to carry out the duties of the Director specified in this ordinance.

- d. Local Public Health Department (LPHD) means the Columbia/Boone County Department of Public Health and Human Services.
- e. Dispenser means a person who delivers a Schedule II, III, or IV controlled substance to a patient. However, the term does not include:
 - i. a hospital as defined in Section 197.020 RSMo that distributes such substances for the purpose of inpatient care, or dispenses prescriptions for controlled substances at the time of discharge from such facility;
 - ii. a practitioner or other authorized person who administers such substance; and
 - iii. a wholesale distributor of a Schedule II, III, or IV controlled substance;
 - iv. a hospice as defined in section 197.250(5), RSMo, that distributes such substances for the purpose of physical or psychological care for dying persons.
- f. Patient means a person who is the ultimate intended user of a drug for whom a prescription is issued, or for whom a drug is dispensed, not including a hospice patient enrolled in a Medicare certified hospice program who has controlled substances dispensed to him or her by such hospice program.
- g. Schedule II, III, IV controlled substance means a controlled substance listed in Schedules II, III, IV as set out in chapter 195 RSMo or the Controlled Substance Act 21 U.S.C Section 812.

10.4 **Establishment of Monitoring Program**

- a. Boone County, by and through its LPHD, shall join St Louis County Department of Public Health to establish and maintain a program for monitoring the prescribing and

- dispensing of all Schedule II, III, and IV controlled substances by professionals licensed to prescribe or dispense such substances in Boone County, and may implement such rules which are necessary to implement such program.
- b. St. Louis County Health Department holds the contract with Apriss, the company operating the prescription drug monitoring database. Boone County will have a subscription to participate.
 - c. This ordinance gives authority for St Louis County Health Department to receive information from Boone County through the Apriss system.
 - d. The program established and maintained shall operate so as to be consistent with Federal law concerning regulation of narcotics and with privacy of lawful users of same. The rules may provide for the county to suspend the requirement of reporting a particular category of information if it is determined that so reporting will conflict with the collection of other reported information by the collection management system of the monitoring program. The rules shall be effective upon approval of the Boone County Commission.
 - e. Boone County, by and through its LPHD, will submit all required documentation from the County through the Prescription Drug Monitoring Program approved by St Louis County Department of Health.

10.5 Responsibilities of Dispensers

- a. Within seven (7) business days of having dispensed a schedule II, III, or IV controlled substance all Dispensers must submit by electronic means, information regarding such dispensing through the approved vendor system.
- b. The information submitted for each dispensing site to the Prescription Drug Monitoring Program shall at a minimum include:

- i. The pharmacy's Drug Enforcement Number (DEA);
 - ii. The date of dispensation; and
 - iii. If dispensed via a prescription: the prescription number; whether the prescription is a new or a re-fill; the prescriber's DEA or National Provider Identifier number; the national drug code of the drug dispensed; the quantity and dosage of the drug dispensed; and an identifier for the patient for whom the drug was dispensed, including but not limited to any one of the following: driver license number, government issued identification number, insurance cardholder identification number, or the patient's name, address, and date of birth.
- c. The dispenser's submission of the required information to the Prescription Drug Monitoring Program shall be in accordance with the transmission standards established by the American Society for Automation in Pharmacy, or any of its successor organizations.
- d. All data submitted to the current vendor, Apriss, will be monitored and reviewed by St. Louis County Public Health Department.
- e. It shall be unlawful for a dispenser to knowingly fail to comply with the requirements of this section.
- f. It shall be unlawful for a dispenser to knowingly fail to comply with a prescription drug monitoring program regulation established by the director or LPHD.
- g. It shall be unlawful for a dispenser to knowingly provide false information to the prescription drug monitoring program.

- h. The requirements of this section shall not apply to controlled substances to be administered to an animal which are dispensed pursuant to a prescription issued by a licensed veterinarian.

10.6 Information a closed record

- a. Except when provided to persons or agencies authorized by this ordinance to receive such information, dispensation information submitted to the Prescription Drug Monitoring Program is a closed record and not subject to public disclosure except as provided by law as the same contains, among other confidential information, protected health information. No person shall provide such information to any person or agency not authorized by this ordinance to receive it. A request for information made under Chapter 610, RSMo, shall be referred to the county counselor who shall take all reasonable and lawful steps to ensure nondisclosure of the information except as required by law.
- b. The Director of the Prescription Drug Monitoring Program shall develop and maintain procedures to ensure that the privacy and confidentiality of patients, and personal information collected, recorded, transmitted, and maintained are not disclosed to persons not authorized by this ordinance to receive dispensation information.

10.7 Use of Monitoring System Information by Dispensers not in Boone County

- a. St Louis County Public Health Department may permit dispensers located in counties to participate in the Prescription Drug Monitoring program and allow data entered to be viewed by dispensers, prescribers and other registered users as allowed by law. The Local Public Health Department will receive aggregate reports that describe prescribing patterns and trends. The LPHD will not have access to individual patient

records. All Missouri counties and states participating will have access to data entered by Boone County's LPHD. Permission for access shall be conditional upon the participant complying in all respects with the provisions of the St. Louis County ordinance.

10.8 **Persons Authorized to be Provided Dispensation Information**

- a. Dispensation information and other data compiled by the Prescription Drug Monitoring Program may be provided to the following persons upon a duly made request of the St Louis County Department of Public Health:
 - i. Persons who are authorized to prescribe or dispense a controlled substance if the requesting person demonstrates that the request is made for the purpose of providing medical or pharmaceutical care for a patient. This includes persons within or outside the state of Missouri.
 - ii. Persons who request their own dispensation information in accordance with the law.
 - iii. The State Board of Pharmacy.
 - iv. Any state board charged with regulating a healthcare professional authorized to prescribe or dispense controlled substances, and which has duly requested the information or data in the course of a current and open investigation into the acts of a professional under the jurisdiction of a state board. Only information related to the subject professional shall be provided.
 - v. Local, state, and federal law enforcement, or prosecutorial officials, both inside or outside of Missouri, who are engaged in the administration, investigation, or enforcement of laws governing prescription drugs based on a specific case and under subpoena issued pursuant to court order.

- vi. The MO HealthNet Division of the Missouri Department of Social Services regarding MO HealthNet program recipients.
- vii. A judge or other judicial officer under a subpoena issued pursuant to a court order.

10.9 Obedience to Law Required

- a. No person, absent lawful authority, shall knowingly access or disclose prescription or dispensation information maintained by the Prescription Drug Monitoring Program, or knowingly violate any other provision of this ordinance.
- b. Any person who violates any provision of this ordinance shall be subject to the penalties and remedies set out Chapter 1 of the Code of Health Regulations.

10.10 Revisions or Revocation of Chapter – If the County Commission finds that the provisions of this Prescription Drug Monitoring Program are substantially similar to a statute of the State of Missouri regulating the same subject, the County Commission may by Order suspend any or all of the provisions of this Chapter, or amend its provisions, as necessary.

10.11 Effective Date – These regulations shall become effective as of the date this Chapter of the Boone County Code of Health Regulations is adopted by the County Commission of Boone County.