

General Law Committee JOINT FAVORABLE REPORT

Bill No.: HB-5241

AN ACT ESTABLISHING FINES FOR VIOLATIONS OF THE ELECTRONIC

Title: PRESCRIPTION DRUG MONITORING PROGRAM.

Vote Date:

Vote Action:

PH Date: 2/27/2018

File No.:

***Disclaimer:** The following Joint Favorable Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

SPONSORS OF BILL:

Rep. Mary M. Mushinsky, 85th District

Rep. Craig C. Fishbein, 90th District

REASONS FOR BILL:

The original bill imposed increased fines for not being in compliance with electronic prescription drug monitoring program.

There was a strike everything after enacting clause and substitute the following in lieu thereof,

AMENDMENT

The Commissioner of Public Health and Consumer Protections shall review compliance rates of pharmacists and practitioners that are using electronic prescription drug monitoring program.

No later than January 1, 2019, the Commissioners of Public Health and Consumer Protection will jointly report in accordance with section 11-4a of the general statutes, and report to the joint standing committees of the General Assembly having cognizance of matters regarding recommendations if any to achieve 100 percent compliance with electronic prescription drug monitoring program. The reason behind compliance is to reduce the number of deaths related to opioid drug prescriptions.

RESPONSE FROM ADMINISTRATION/AGENCY:

Michelle Seagull, Commissioner; Department of Consumer Protection

DCP appreciates the intent of this proposal, however it would like to note that DCP already does impose fines of up to \$1,000 under CGS Sections 20-579 (a)(1) and 21A-322 when practitioners do not comply with the law. Over the past five years changes have been made to CPMRS in 2015 AND 2016. Implementing these mandates takes time and compliance of

pharmacies over the past three years has significantly improved. While the mandates have been enacted, staffing at the DCP has remained flat and adding another mandate would make it difficult for DCP to enforce without additional staff. DCP would be happy to discuss this bill with its proponents.

NATURE AND SOURCES OF SUPPORT:

Representative Mary M. Mushinsky and Representative Liz Linehan, State of Connecticut; House of Representatives

Representative Mushinsky and Representative Linehan said that due to the rapid rise in documented opioid deaths, many young adults, HB5241 will establish definite penalties for doctors who fail to check the database. This bill should also be expanded to include that DCP monitor physician's lookup compliance like NY State does and issue warnings to physicians who fail to do so.

Representative Craig C. Fishbein, State of Connecticut, House of Representatives

Representative Fishbein stated that in 2013 initial legislation was enacted for pharmacies and all prescribers to register and partake in Prescription Drug Monitoring Program, three years later in 2016 apparently only 40% of prescribers and 38% of pharmacists registered for the program. If this program was worthy of its time and resources in 2013 we need to equip the programs governing body with tools necessary to properly enact the program and require its use. This would go a long way to track opioid prescriptions and how they are dispensed.

Ken Welch, President of the Coalition for a Better Wallingford

Mr. Welch said there is obviously significant resistance to participating in the PMP system even though this program would have a positive impact on the distribution of these killer drugs. The Prescription Drug Monitoring Program needs to be enforced.

Jennifer Short, Wallingford, CT

Ms. Short her community has seen so much loss from the opioid epidemic including the loss of her daughter Taylor. The PMP should be enforced and administered properly.

Laurence Morgenstein, Wallingford, CT

Mr. Morgentein stated that the PMP should be enforced. Every year our young, our mature and older citizens are dying from this epidemic.

Juna Ferguson, Wallingford, CT

Ms. Feguson said that the CT PMP should be enforced and penalties should be imposed on those who do not comply with the system.

Michael R. Saxe, MD., Chairman Emeritus, Emergency Medicine, Middlesex Hospital

Mr. Saxe believes that the law is not being consistently followed. Clinicians faced with fines and warnings due to lack of compliance of the PMP, will be more compliant.

NATURE AND SOURCES OF OPPOSITION:

Dr. Steven Thornquist, Connecticut State Medical Society, Connecticut Chapter of the American College of Surgeons Professional Association, Inc.

CSMS has been actively involved throughout history of the Prescription Drug Monitoring Program and is proud of its efforts. Compliance has become the norm and there has been a significant reduction in the number of controlled substances prescribed. CSMS opposes HB 5241

Margherita Giuliano, Pharmacist and Executive Vice President of the Connecticut Pharmacists Association.

The CT Pharmacists Association opposes HB 5241. Pharmacists have incorporated the use of the PDMP into their daily workflow. Though the CPA believes it is an effective tool, they cannot support legislation that imposes heavy fines. Pharmacists have worked diligently to establish “best practices”. The focus should be on how to use the PDMP effectively.

Connecticut Hospital Association

CHA opposes HB5241 as written, as it unfairly seeks to punish unintended failures of practitioners, who in good faith, are trying to comply with new and changing laws. CHA supports that practitioners do not flout the system by ignoring the requirements.

Reported by: Bonnie Gray, Asst. Clerk

Date: 03/22/2018