KRIEG DEVAULT

Insights

Bill Requiring Practitioners to Check INSPECT Before Prescribing Passes House, Senate; Gov. Holcomb to Sign

March 19, 2018

By: Amy M. Levander

Governor Eric Holcomb is expected to sign legislation aimed at curbing Indiana's growing opioid crisis, one of Governor Holcomb's top agenda items for the 2018 legislative session. Senate Enrolled Act 221 ("SEA 221") requires prescribers to have access to and utilize INSPECT, a state-sponsored website database that allows practitioners to check a patient's controlled substance prescription history. The bill, which received unanimous support by the Senate to send the bill to the Governor's desk on March 6th, mandates prescribing providers access INSPECT before prescribing opioids.

A close review indicates SEA 221's intent is to make INSPECT a more powerful tool for prescribers. Under the bill, dispensers of ephedrine, pseudoephedrine, or a controlled substance can transmit certain information to the INSPECT program by any electronic method that meets specifications of the Indiana Board of Pharmacy (the "Board"). Further, the bill gives authority to the Board to require INSPECT be interoperable with other similar registries operated by federal and state governments.

Importantly, the bill identifies the prescribing practitioners affected by the new legislation and includes timelines for implementation and compliance. Specifically, the following practitioners are required to obtain information about a patient from INSPECT before prescribing an opioid or benzodiazepine to the patient:

(1) Beginning July 1, 2018, a practitioner who has information from INSPECT integrated into the patient's electronic health records;
(2) Beginning January 1, 2019, a practitioner who provides services to the patient in the emergency department of a hospital or a pain management clinic;
(3) Beginning January 1, 2020, a practitioner who provides services to the patient in a hospital; and,
(4) Beginning January 1, 2021, all practitioners.

Additionally, beginning January 1, 2019, a practitioner who is permitted to distribute, dispense, prescribe, conduct research with respect to, or administer ephedrine, pseudoephedrine, or a controlled substance in the course of the practitioner's professional practice or research must be certified to receive information from the INSPECT program.

Prescribing practitioners are not required to obtain information about a patient who is subject to a pain management contract from the INSPECT data base more than once every 90 days, and the bill allows a practitioner to request a waiver from the requirement of checking the data base before prescribing an opioid or benzodiazepine if the practitioner does not have access to the Internet at the practitioner's place of business. To facilitate the waiver process, the bill requires the Board to:

(1) establish a process for a practitioner to request a waiver;
(2) determine whether to grant a practitioner's request for a waiver; and,
(3) issue a waiver when the Board determines a waiver is warranted.

Given the rolling timelines for compliance with SEA 221, affected practitioners may consider reviewing prescribing policies and workflows. We are monitoring development of SEA 221 and will provide updated information as it becomes available. If you have any questions regarding SB 221 or other practitioner prescribing matters, please contact Amy Levander at alevander@kdlegal.com or your regular Krieg DeVault attorney.