

CONFIDENTIAL
AHS LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H.45 Name of Bill: An act relating to Vermont Prescription Monitoring System reporting

Agency/ Dept: AHS/VDH Author of Bill Review: Harry Chen

Date of Bill Review: 2/3/15 Related Bills and Key Players H.364 (2014)

Status of Bill: (check one): ☒ X Upon Introduction ☐ As passed by 1st body ☐ As passed by both

Recommended Position:

☐ Support ☒ X Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** The intent of this bill is for Vermont's Hubs (Opioid Treatment Programs/OTP's) to enter medication data into the Vermont Prescription Monitoring System (VPMS)
2. **Is there a need for this bill?** The goal of this bill, for other healthcare providers to have access to patient specific medication information from the OTP's for the treatment of opioid use disorders; is well-intended however, federal confidentiality requirements prohibit such information disclosure. There would need to be a change in federal regulation for this policy to be implemented.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?** Financial and programmatic implications would be related to training of providers as well as anticipated costs related to legal challenges from other statewide and national organizations.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** It could be anticipated that there could be financial costs related to legal challenges. Other departments to support this bill would be the Board of Medical Practice and Department of Public Safety. They are on record for wanting more access to VPMS.
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** OTP providers would experience fiscal challenges related to data entry time and infrastructure. They are likely to oppose the bill.

6. Other Stakeholders:

Please return this bill review as a Microsoft Word document to laura.gray@state.vt.us and jessica.mishaan@state.vt.us

6.1 Who else is likely to support the proposal and why? Given prior conversation with both the Board of Pharmacy and the Vermont Medical Society there would be support to have greater access to medication information.

6.2 Who else is likely to oppose the proposal and why? Federal Government, provider organizations, national advocacy organizations would oppose due to the conflict of these requirements with the current Substance Abuse and Mental Health Administration (SAMHSA) support of federal confidentiality requirements as cited in 42 CFR part 2.

- 7. Rationale for recommendation:** It is contrary to the federal law that protects the confidentiality of those persons receiving these services. According to the current SAMHSA interpretation of 42 CFR part 2, the entering of OTP medications into any prescription drug monitoring system (VPMS) would not currently be consistent with this regulation. Guidance from SAMHSA to the States and OTP providers has clearly stated that this information should not be entered into prescription monitoring systems such as VPMS.
- 8. Specific modifications that would be needed to recommend support of this bill:** *None at present due to the inherent conflict with the SAMHSA interpretation of 42 CFR part 2 confidentiality requirements.*
- 9. Gubernatorial appointments to board or commission?**

Secretary/Commissioner has reviewed this document: _____ **Date:** _____