Changes to the Wisconsin Prescription Drug Monitoring Program

Jul 06 2017

Posted By: Stacy C. Gerber Ward

Practice Area: Health Law & Government Enforcement and Internal Investigations & Regulatory Compliance and Fraud and Abuse

This spring, Wisconsin Governor Walker approved changes to the Wisconsin Prescription Drug Monitoring Program ("PDMP"). The PDMP is a statewide electronic database which collects designated data on controlled substances dispensed in the state. The PDMP is accessible by certain healthcare professionals to monitor a patient's use of controlled substances and to inform treatment decisions. Wisconsin has had a PDMP since June 2013.

The new 2017 rules went into effect in April 2017 and make several changes to the PDMP. This post will discuss three significant changes to Wisconsin's PDMP, although the new rules include several more.

- Practitioners are now required to review a patient's monitored prescription drug history from the PDMP before the practitioner issues a prescription for the patient. There are some exceptions to this new rule, including prescriptions for patients who are hospice patients, prescriptions that cover three days or less and are not subject to refill, and prescriptions issued when there is an inability to review the drug history due to an emergency. The Controlled Substance Board ("CSB") may refer a practitioner to the appropriate licensing board or law enforcement for prosecution for failing to review a patient's drug history prior to issuing a prescription.
- Entities that dispense controlled substances, including pharmacies, must submit dispensing data to the PDMP by 11:59 pm the next business day after the prescription drug was dispensed. The prior rule allowed data to be submitted within seven days. The rule also clarifies that the CSB may refer a dispenser to the appropriate licensing board or to law enforcement for failing to submit the required data.
- Finally, the CSB is required to disclose PDMP information to state or federal law enforcement agencies when provided with documentation demonstrating that (1) there is an active investigation or prosecution of a violation of any state or federal law involving a monitored prescription drug; and (2) the request is reasonably related to that investigation. Previous to this change, law enforcement was required to obtain a court order before obtaining PDMP data.