



STATE OF OREGON
Legislative Counsel Committee

May 10, 2017

To: Sandy Thiele-Cirka, LPRO Analyst, House Committee on Health Care
From: Suzanne C. Trujillo, Deputy Legislative Counsel
Subject: Senate Bill 423 Prescription Monitoring Program Reporting Requirement

Senate Bill 423 allows physician assistants to dispense controlled substances classified in schedules III or IV of the federal Controlled Substances Act, 21 U.S.C. 811 and 812, as modified under ORS 475.035, to patients. Some concern has been raised about whether these controlled substances, dispensed by physician assistants, would be reported to the prescription monitoring program.¹

The prescription monitoring program, often referred to as the Prescription Drug Monitoring Program (PDMP), is operated by the Oregon Health Authority (OHA).² Under current law, only a pharmacy is required to report the dispensing of a prescription drug to the PDMP.³ ORS 431A.855 (1)(a) directs the OHA to “establish and maintain a prescription monitoring program for monitoring and reporting prescription drugs dispensed by pharmacies in Oregon.”⁴ The reporting is done largely through electronic means, although the OHA allows pharmacies to request a waiver to electronic reporting.⁵ The OHA requires pharmacies to meet certain technology capability and security standards for purposes of complying with the reporting requirements.⁶

Requiring physician assistants who dispense certain controlled substances, or the supervising physician or supervising physician organization of a physician assistant who dispenses certain controlled substances, to report dispensing to the PDMP would establish a new precedent of practitioner reporting. Currently, licensed health care practitioners are not required to report the dispensing of controlled substances. Creating this reporting requirement would necessitate a change to the structure of the PDMP language to accommodate the practitioner reporting. Various language options are available in order to create this requirement, including those in SB 423-1. SB 423-1 adds a definition of “pharmacy” to the PDMP statutes that encompasses both pharmacies and some urgent care clinics that meet the elements of the definition. However, it may not capture particular entities, such as those that require patient appointments.

Please let me know how you would like to proceed.

¹ ORS 431A.855 to 431A.900.

² ORS 431A.855.

³ ORS 431A.855 (1)(a), 431A.860.

⁴ ORS 431A.855 (1)(a).

⁵ ORS 431A.860; OAR 333-023-0810.

⁶ ORS 431A.855 (2).