

115TH CONGRESS
2D SESSION

H. R. 6608

To provide for the development and dissemination of best practice guidelines for using data collected by prescription drug monitoring programs to identify drug diversion and abuse, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2018

Ms. MCSALLY (for herself and Mr. CRAMER) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To provide for the development and dissemination of best practice guidelines for using data collected by prescription drug monitoring programs to identify drug diversion and abuse, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prescription Drug
5 Monitoring Program Best Practices Act of 2018”.

1 **SEC. 2. BEST PRACTICE GUIDELINES FOR USING DATA COL-**
2 **LECTED BY PRESCRIPTION DRUG MONI-**
3 **TORING PROGRAMS.**

4 (a) **BEST PRACTICE GUIDELINES.**—The Director of
5 the Bureau of Justice Assistance and the Director of the
6 Centers for Disease Control and Prevention, acting jointly,
7 shall—

8 (1) develop best practice guidelines and poten-
9 tial enhancements to facilitate use of and strengthen
10 prescription drug monitoring programs to identify—

11 (A) unlawful diversion or misuse of con-
12 trolled substances; and

13 (B) the potential for harmful drug inter-
14 actions;

15 (2) include in such guidelines—

16 (A) data elements that should be included
17 in proactive, unsolicited reports that are gen-
18 erated and disseminated to authorized users to
19 identify patients at the highest risk for misuse
20 of controlled substances and identify potential
21 inappropriate prescribing trends; and

22 (B) best practices on treatment options for
23 consideration by prescribers (or other health
24 care providers) for prescription drug monitoring
25 programs that include data on prescriptions for
26 medication assisted treatments for substance

1 use disorders and opioid overdose reversal
2 agents;

3 (3) identify potential barriers to implementation
4 of such guidelines and develop recommendations for
5 addressing such barriers (such as development of
6 standard data elements to be included in proactive
7 or unsolicited reports or whether data on prescrip-
8 tions for medication assisted treatments for sub-
9 stance use disorders and opioid overdose reversal
10 agents should be included in prescription drug moni-
11 toring programs); and

12 (4) not later than 12 months after the date of
13 the enactment of this Act, submit to Congress a re-
14 port that includes best practices identified and a
15 proposed plan for disseminating and supporting
16 adoption of such best practices by state prescription
17 drug monitoring programs.

18 (b) INPUT FROM RELEVANT STAKEHOLDERS.—In
19 developing best practice guidelines under subsection (a),
20 the Director of the Bureau of Justice Assistance and the
21 Director of the Centers for Disease Control and Preven-
22 tion, acting jointly, shall conduct a public workshop and
23 otherwise engage with relevant stakeholders to help inform
24 the development of best practices to—

1 (1) identify patients at the highest risk for mis-
2 use of controlled substances and identify potential
3 inappropriate prescribing trends;

4 (2) identify potential data elements to include
5 in proactive, unsolicited reports that are generated
6 and disseminated to authorized users to identify
7 such patients at the highest risk and identify poten-
8 tial inappropriate prescribing trends, and assess
9 whether data on prescriptions for medication as-
10 sisted treatments for substance use disorder and
11 opioid overdose reversal agents should be incor-
12 porated and specific considerations for prescribers
13 based on such information; and

14 (3) identify additional enhancements to pre-
15 scription drug monitoring programs and potential
16 barriers to adoption and recommendations for ad-
17 dressing such barriers.

18 (c) GRANTS.—

19 (1) IN GENERAL.—The Director of the Bureau
20 of Justice Assistance and the Director of the Cen-
21 ters for Disease Control and Prevention, acting
22 jointly, shall award grants to States to support
23 adoption of best practices identified under subsection
24 (b).

1 (2) AMOUNT OF AWARDS.—The total amount
2 awarded to any State under this subsection shall
3 be—

4 (A) not less than \$25,000; and

5 (B) not more than \$50,000.

6 (3) AUTHORIZATION OF APPROPRIATIONS.—To
7 carry out this subsection, there is authorized to be
8 appropriated \$500,000.

9 **SEC. 3. TRANSFER OF PRESCRIPTION DRUG MONITORING**
10 **PROGRAM DATA ACROSS STATE LINES.**

11 (a) FACILITATING ADOPTION OF SYSTEMS BY
12 STATES.—

13 (1) IN GENERAL.—The Director of the Bureau
14 of Justice Assistance shall facilitate the adoption of
15 the PMP InterConnect System of the National
16 Boards of Pharmacy (or another appropriate system
17 for the transfer of prescription drug monitoring pro-
18 gram data across State lines) by all States.

19 (2) GRANTS.—

20 (A) AWARD.—The Secretary may award
21 grants to eligible States for technical assistance
22 in addressing barriers to the adoption of a sys-
23 tem described in paragraph (1).

24 (B) ELIGIBILITY.—To be eligible to receive
25 a grant under this paragraph, a State must not

1 have adopted a system described in paragraph
2 (1) as of the date of the grant award.

3 (C) PERIOD.—The period of a grant under
4 this paragraph shall not exceed 5 years.

5 (D) AMOUNT OF AWARDS.—The total
6 amount awarded to any State under this para-
7 graph shall be—

8 (i) not less than \$50,000; and

9 (ii) not more than \$100,000.

10 (E) AUTHORIZATION OF APPROPRIA-
11 TIONS.—To carry out this paragraph, there is
12 authorized to be appropriated \$500,000.

13 (b) GAO STUDY.—

14 (1) STUDY.—The Comptroller General of the
15 United States shall—

16 (A) conduct a study to determine how effi-
17 ciently and effectively State prescription drug
18 monitoring programs are sharing data pursuant
19 to the PMP InterConnect System of the Na-
20 tional Boards of Pharmacy (or other systems);
21 and

22 (B) submit a report to the Congress on the
23 results of such study, including recommenda-
24 tions for the improvement of such sharing.

1 (2) RESPONSE BY BJA.—Not later than 180
2 days after the date on which the report under para-
3 graph (1) is submitted to the Congress, the Director
4 of the Bureau of Justice Assistance shall submit a
5 plan to the Congress for addressing the rec-
6 ommendations in such report.

7 (c) PILOT PROGRAM FOR REGIONAL SHARING OF
8 PDMP DATA.—

9 (1) IN GENERAL.—The Assistant Secretary for
10 Mental Health and Substance Use, in consultation
11 with the Office of the National Coordinator for
12 Health Information Technology, shall facilitate re-
13 gional sharing across State lines of prescription drug
14 monitoring program data.

15 (2) GRANTS.—

16 (A) AWARDS.—In carrying out paragraph
17 (1), the Assistant Secretary for Mental Health
18 and Substance Use shall award grants to States
19 (or a collaboration of States) to facilitate such
20 regional sharing.

21 (B) AMOUNT OF AWARDS PER FISCAL
22 YEAR.—The total amount awarded under this
23 paragraph with respect to any region per fiscal
24 year shall be—

25 (i) not less than \$100,000; and

1 (ii) not more than \$200,000.

2 (C) AUTHORIZATION OF APPROPRIA-
3 TIONS.—To carry out this paragraph, there is
4 authorized to be appropriated \$5,000,000.

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