

Senate Bill 22-027

Legislative Audit Committee Bill Resulting from the Performance Audit of the Prescription Drug Monitoring Program, Department of Regulatory Agencies

Concerning Changes to the Prescription Drug Monitoring Program Pursuant to the March 2021 Audit Report Issued by the Office of the State Auditor Audit Recommendations 1 and 3C, Report Pages 33 and 52

WHAT WOULD THIS BILL DO?

This Bill would amend:

- Section 12-30-109, C.R.S., to require prescribers to check the State's Prescription Drug Monitoring Program (PDMP) database, as specified in Section 12-280-404(4), C.R.S., prior to prescribing any opioid or benzodiazepine prescription to a Colorado patient, and require each prescriber registered with the federal drug enforcement administration to prescribe controlled substances to register with the PDMP and maintain a user account for the PDMP database. These changes would help prevent opioid misuse, overprescribing, and diversion in Colorado.
- Section 12-280-403(2)(a), C.R.S., to align with the changes noted above in Section 12-30-109, C.R.S., and to clarify that each state-licensed pharmacist must register with the PDMP and maintain a user account for the PDMP database. These changes would help ensure prescribers and pharmacists use the PDMP database to identify potential opioid misuse, overprescribing, and/or diversion.
- Section 12-280-409(1), C.R.S., to require the State's prescription drug monitoring task force to evaluate and make recommendations to the Executive Director of the Department of Regulatory Agencies (DORA), regarding balancing the PDMP as a health-care tool with the enforcement of statutory requirements for preventing opioid misuse, overprescribing, and diversion in Colorado, as well as assess methods for providing unsolicited PDMP reports to regulators and law enforcement. This change would provide DORA with recommendations on ways to improve the PDMP.

WHAT DID THE AUDIT FIND?

The March 2021 *Prescription Drug Monitoring Program Performance Audit*, found that Colorado's PDMP is not effective, as currently designed, to fully achieve legislative intent related to reducing misuse and overprescribing of opioids, and allow for regulatory and law enforcement investigations of those who may overprescribe or divert opioids. The audit also found that some prescribers did not query the PDMP database before prescribing a second opioid to patients, as required by Sections 12-280-404(4)(a) and 12-30-109(1)(a), C.R.S., and did not adhere to opioid prescription

limits set by Section 12-30-109(1)(a), C.R.S., in part, because DORA does not share PDMP data on prescriber noncompliance with healthcare profession boards. The audit recommended, in part, that DORA work with the General Assembly to improve the effectiveness of Colorado's PDMP in meeting legislative intent in these areas, by proposing statutory change to: (1) require licensed prescribers to check the PDMP database before prescribing each opioid and each benzodiazepine; and (2) allow DORA to identify prescribers who fall significantly outside prescribing norms and limits for their specialty, and refer them to the appropriate regulatory healthcare profession board or law enforcement for investigation. The audit also recommended that DORA ensure that prescribers comply with statute by working with the General Assembly to clarify, as needed, DORA's authority to share PDMP data with healthcare profession boards.

Comments: This Bill incorporates comments from the Department of Regulatory Agencies.