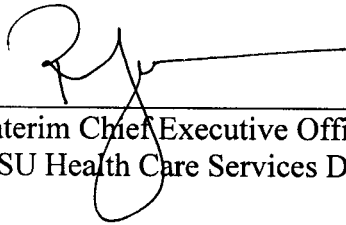


**LSU – HEALTH CARE SERVICES DIVISION  
BATON ROUGE, LOUISIANA**

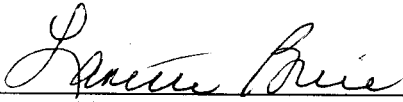
POLICY NUMBER: 9008-11  
CATEGORY: Medical Staff  
CONTENT: Louisiana Prescription Monitoring Program  
EFFECTIVE DATE: November 30, 2011  
INQUIRIES TO: LSU-HCSD Chief Medical Officer  
LSU Main Campus, Kirby Smith Hall  
Post Office Box 91308  
Baton Rouge, LA 70803  
Telephone: (504) 568-2259 Facsimile: (225) 922-1502



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Interim Chief Executive Officer  
LSU Health Care Services Division

2.1.12

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Date



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Deputy Chief Executive Officer  
LSU Health Care Services Division

2/1/2012

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Date



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Chief Medical Officer  
LSU Health Care Services Division

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Date

**LSU HEALTH CARE SERVICES DIVISION**  
**Louisiana Prescription Monitoring Program and Patient Confidentiality**

**I. Policy Statement:**

It is the policy of the LSU Health Care Services Division (LSU- HCSD) that all physicians enrolled in the Louisiana Prescription Monitoring Program (LPMP) shall use the program as prescribed in accordance with Title 46, Chapter 29 of the Louisiana Administrative Code, as well as the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and subsequent HIPAA related legislation.

**II. Purpose:**

To familiarize practitioners enrolled in the LPMP about the rules and regulations of the program, and set policy relative to the effective use of the information gained from the data base.

**III. Scope:**

This policy applies to all practitioners employed or contracted to provide medical services to the LSU HCSD hospitals who are enrolled in the LPMP.

**IV. Background:**

Act 676 of 2006 Louisiana Legislative authorized the Louisiana Board of Pharmacy to develop, implement, and operate an electronic system for the monitoring of controlled substances and other drugs of concern which are dispensed in the state or dispensed to an address within the state. The goal of the program is to improve the state's ability to identify and inhibit the diversion of controlled substances and drugs of concern in an efficient and cost-effective manner that shall not impede the appropriate utilization of these drugs for legitimate purposes.

Licensed healthcare professionals with prescriptive authority for controlled substances and drugs of concern may be granted access to the LPMP, provided that they complete the required training and agree to abide by the Program's regulations. Violations of these regulations place the prescribing provider in danger of possible legal action, as well as investigation by the appropriate professional licensing agency.

The LPMP authorizes prescribing providers, as well as dispensing pharmacies to review patients by name to determine if that patient has been "doctor shopping". Doctor shopping is defined as accessing controlled substances or drugs of concern by securing prescriptions for the same medications from multiple prescribing providers. In addition, the patient may go to multiple pharmacies to hide the fact that they have received prescriptions from multiple providers.

The LPMP only authorizes the prescribing provider to access information about his/her own patients. This includes existing patients, as well as new patients who are scheduled with the prescribing provider for a future appointment. There should be a documented treatment relationship (i.e., in the medical record, or scheduled appointment) between the prescribing provider and the patient for the provider to access information about a patient in the LPMP.

Once a prescribing provider becomes aware of a possible “doctor shopping” situation, the provider has a decision to make about what to do with that information. Possible options include:

- Question/confront the patient about what appears to be doctor shopping;
- Contact other prescribing providers;
- Contact dispensing pharmacies; and/or
- Contact law enforcement

Because of the consequences related to these actions, LSU -HCS D has chosen to develop this policy to guide prescribing providers in making decisions about informing others of the patient’s possible misuse of prescribed medications.

## **V. Policy:**

**A.** A LSU- HCS D prescribing provider who is enrolled in the LPMP may review that data base for his/her identified patients in order to check the prescribing history for controlled substances or other drugs of concern.

1. The prescribing provider shall only access his/her identified patients as noted previously.
2. The prescribing provider shall not share his/her user ID or password to access the LPMP data base with anyone, even other clinic or hospital staff. The user ID and password is unique to each prescribing provider registered with the program. In addition, the prescribing provider shall not log into the database and then allow another person to view the database, either on behalf of the prescribing provider, or for the other person’s own use.

**B.** If the prescribing provider discovers a pattern that may indicate misuse, and wants to contact other prescribing providers, dispensing pharmacies, or law enforcement about the issue, the prescribing provider shall first contact the Hospital Medical Director. The prescribing provider shall communicate the facts of the case, and the desired action to the Hospital Medical Director.

**C.** The Hospital Medical Director shall then contact the LSU- HCS D Chief Medical Officer to review the facts of the case and make a determination concerning the appropriate action.

**D.** No report shall be made directly by the prescribing provider to another prescribing provider, dispensing pharmacy, or law enforcement without the approval of LSU- HCS D Chief Medical Officer.

**E.** In the event that the prescribing provider prints out the patient’s activity that is listed on the LPMP database, and wants to maintain that print out in the patient’s medical record, that print out must be labeled “Not Discoverable by Subpoena”. The print out shall NOT be released to any other provider, or other requestor of medical records. The print out is only obtainable by subpoena to the LPMP itself.

## **VI. Responsibility**

**A. Hospital Administrator**

1. Ensures that this policy is disseminated and that all Medical Staff and Medical Record Release of Information employees are aware of the policy requirements.
2. Ensures that the Medical Staff has a process in place to facilitate communication to the Hospital Medical Director and LSU- HCS D regarding possible misuse of medications.

**B. Hospital Medical Director**

1. Ensures this policy is communicated to all Medical Staff members.
2. Develops a communication process to ensure that Medical Staff members know to use whenever a concern about possible misuse of medications occurs and they need guidance about possible action.
3. Promptly communicates any hospital prescribing providers' concern about a specific patient who may possibly be misusing medications to LSU- HCSD Chief Medical Officer.

**C. LSU -HCSD Chief Medical Officer**

1. Reviews all situations in which a hospital prescribing provider is requesting guidance about a possible prescription misuse situation.
2. Promptly communicates back to the Hospital Medical Director regarding such guidance.

**D. Hospital Health Information Management Director**

1. Ensures that any print outs from the LPMP data base are marked "Not Discoverable By Subpoena" if placed in the medical record.
2. Ensures that all Release of Information employees are aware that they may not release the print out. Access to the print out to law enforcement or others is only accessible by court order, warrant, or subpoena to the LPMP.

**VII. Consequences**

Failure of Medical Staff to comply with this policy may result in disciplinary action through the Hospital Medical Executive Committee or the LSU -HCSD Chief Medical Officer. Failure of hospital employees to comply with this policy may result in disciplinary action up to and including termination.