NEWSLETTER

Prescription Drug Abuse in Arkansas and the Prescription Monitoring Program
By Gene Shelby, M.D., Chairman, Arkansas PMP Advisory Committee

It is firmly established that we have a prescription drug crisis in this country. Nationally, more people die each year from accidental drug overdoses, primarily prescription drugs, than from vehicular crashes. And 98% of the world’s supply of hydrocodone is consumed in the United States.

And, while this is a societal problem, with many root causes, we as physicians are seen as part of the problem. While it can be debated, to what degree we are responsible for where we are at, it is incumbent on us to take a leadership role in addressing the problem.

The Arkansas Prescription Monitoring Program (PMP) was established by the Arkansas General Assembly in 2011 and went live in May 2013. Since then we have had about 2,250 M.D.’s and D.O.’s register to use the PMP, which represents about 35% of those who write controlled medications. In 2012, the national average of physician registration was about 25%, but is now nearing 50% due to more states requiring registration, as well as outreach programs, demonstrating how using a PMP can be an excellent tool in providing good, responsible care to patients who require controlled medications.

The use of the PMP is becoming the standard of care when prescribing narcotics, especially when treating chronic pain.

The Arkansas State Medical Board is increasingly using the PMP as part of their investigations of complaints against physicians. They are also actively looking at ways to increase the registration and use of the PMP. They are looking at tying the registration for the PMP with the license renewal process, for physicians who write controlled medications.

The Arkansas Medical Society (AMS) worked with Senator Missy Irvin and Representative Dr. Steve Magie to pass Senate Bill 717 in the 2015 Legislative Session. This important piece of legislation contains important provisions to enhance the effectiveness of the PMP, such as allowing the prescriber to delegate to another person to access the PMP for them. This will enable a nurse to print out a patient’s PMP record, before the doctor sees the patient. It also allows the Health Department to review information in the PMP that might indicate misuse of controlled medications and pass that information to the appropriate licensing Board.

Another important part of this bill defines chronic non-malignant pain as a condition that requires more than three months of prescriptions for the equivalent of 90 tablets containing 5 mg. of hydrocodone. It goes on to define the necessary measures to treat chronic non-malignant pain, including checking the PMP, random drug checks, and a pain contract.

Other provisions of the AMS bill requires a two hour prescribing course for all new licensees within two years of licensure.

Another bill that passed this session allows much greater access to the PMP by law enforcement, who are investigating either over-prescribing or diversion.

As you can see, the people and physicians of Arkansas are taking this epidemic seriously. But if Arkansas physicians don’t get onboard with this, we are looking at mandates, like those imposed in other states, where the legislature gets too involved in the practice of medicine to the detriment of physicians and our patients.

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ATTENTION!!!

Physician Delegation for Prescription Monitoring Program Review

The Arkansas Prescription Monitoring Program is starting its fourth year with over 6,000 users. Delegate access is now available. All practitioners and pharmacists are encouraged to use this valuable healthcare tool to monitor the controlled substance history of patients. Delegate access allows you to assign AR PMP data look-up to designated staff in order to save time and improve workflow. To register, go to http://www.arkansaspmp.com.

All registered users may direct delegates to the “Delegate” tab on the left side of the homepage to begin registration. Be sure to check Page 34 of the Practitioner/Pharmacist Training Guide on the website for information on linking your delegates.

For questions, contact Denise Robertson at Denise.Robertson@arkansas.gov or at 501-683-3960.

Online Attestations

Reminder! When completing online Attestations, all “YES” answers require an explanation. Please be sure to include this explanation for each “Yes” answer on the attestation. If you have any difficulty with entering the statement or completing the attestation, please email support@armedicalboard.org or send it separately via fax (501-603-3555).

The Insurance question requires completion of the blanks providing information on your policy and coverage. If you have more than one insurance, fax or email (as .PDF attachment to support@armedicalboard.org) certificate copies so all can be entered in your ASMB/CCVS file. If you answered “Yes” to the Malpractice Claim question, you must forward the completed ASMB Malpractice Reporting form with your explanation.

If you have previously reported something on your attestation, you do not need to report it again.
Arkansas State Medical Board
2015 Year End Report

The 2015 Members and Officers of the Arkansas State Medical Board are as follows:

Joseph M. Beck, II, M.D., Chairman; Steven L. Cathey, M.D., Vice Chairman; Bob E. Cogburn, M.D., Secretary; Scott Pace, Pharm.D., J.D., Treasurer; Omar T. Atiq, M.D.; Robert E. Breving, Jr., M.D.; Jim C. Citty, M.D.; William F. Dudding, M.D.; Rodney L. Griffin, M.D.; Veryl D. Hodges, D.O.; Larry D. “Buddy” Lovell; William L. Rutledge, M.D.; John H. Scribner, M.D.; and John B. Weiss, M.D.

2015 Statistics

2015 Licensing Statistics

- Medical Doctors & Doctors of Osteopathy Licensed: 577
- Medical Doctors & Doctors of Osteopathy (total): 9,683
- Medical Doctors & Doctors of Osteopathy (in state): 6,488

Occupational Therapists Licensed: 87

Occupational Therapists (total): 1,416

Occupational Therapy Assistants Licensed: 109

Occupational Therapy Assistants (total): 560

Physician Assistants Licensed: 56

Physician Assistants (total): 340

Respiratory Care Therapists Licensed: 121

Respiratory Care Therapists (total): 1,997

Radiologist Assistants Licensed: 0

Radiologist Assistants (total): 5

Radiology Practitioner Assistants (total): 4

Withdrawn Applications: 13

Summary of Board Proceedings for 2015

- Individual Discussions and Issues (total): 520
- Complaints (including investigations and other issues involving licensed practitioners): 384
- Issues: 136

2015 Board Actions

- Suspension: 16
- Revocation: 1
- Revocation (stayed): 2
- Surrendered: 2
- Reprimand: 2
- Consent Orders: 13

Complaint Allegations (including investigations)

- APN Collaborating Physician Issues: 1
- Attestation/Renewal Affirmative Answers: 19
- Advertising: 1
- Monitoring Issues: 10
- Behavior/Attitude: 24
- Billing/Insurance Issues: 15
- Board Actions Taken by Other States: 15
- Criminal Allegations: 10
- CME/CEU Issues: 3
- Discrimination/Harassment: 1
- Dissatisfaction with Treatment/Procedure: 57
- HIPAA Issues: 2
- Hospital Reporting: 11
- Inmate Allegations: 8
- Inappropriate Prescribing: 9
- Lack of Attention to Medical Needs: 44
- Malpractice Regulation 23: 28
- Medical Records – Failure to Provide: 15
- Medical Records – Discrepancy: 4
- Misdiagnosis: 5
- Miscellaneous: 31
- Over-Prescribing/Over-Testing: 29
- Patient felt Offended/Violated by Physician: 1
- Doctor Refuses to Prescribe/Refill Pain Meds: 2
- Didn't/Won't Comply with Patient's Request to Complete Paperwork: 4
- Self-Prescribing or Prescribing to Family: 3
- Sexual or Romantic Relationship: 3
- Terminated Patient: 12
- Licensure Issue: 10
- Update: 7

Regulatory Changes for the Year 2015

- Amendment to Regulation 2, Section 6 – Treatment of Non-Malignant Pain
- Amendment to Regulation 2, Section 8 – Minimum Standards for Establishing a Physician/Patient Relationship

The Board amended Regulation 2 at its meeting on October 1, 2015, effective December 14, 2015.

An amendment was made to Section 2.6 to clarify the terms and prescriber requirements in regard to the treatment of chronic benign pain.

An amendment was made to Section 2.8 to further define the physician/patient relationship.
Arkansas State Medical Board  
2015 Year End Report

Regulatory Changes for the Year 2015  
(continued from page 3)

- **Amendment to Regulation 6 – Regulations Governing the Licensing and Practice of Occupational Therapists**

The Board amended Regulation 6, which pertains to the governing of occupational therapists and occupational therapy assistants at its meeting on February 5, 2015, effective August 17, 2015.

The change included updated language to reflect current terminology, current documents used in the profession, and expansion of acceptable continuing education that is more aligned with National Board of Certified Occupational Therapy requirements for recertification, as well as a requirement of the occupational therapy assistant to maintain a record of supervision.

- **Amendment to Regulation 10 – Regulations Governing the Licensing and Practice of Respiratory Care Practitioners**

The Board amended Regulation 10, which pertains to governing the licensing and practice of respiratory care practitioners, at its meeting on August 6, 2015, effective December 14, 2015.

The change involved clarification of continuing education requirements.

- **Amendment to Regulation 19 – Pain Management Programs**

The Board amended Regulation 19, which pertains to pain management programs, at its meeting on October 1, 2015, effective December 14, 2015.

The change involved clarification of terms and prescriber requirements.

- **Amendment to Regulation 21 – Anorexiant Drug Guidelines**

The Board amended Regulation 21, which pertains to anorexiant drug guidelines, at its meeting on August 6, 2015 effective December 14, 2015.

The change involved clarification of prescriber requirements.

- **Amendment to Regulation 24 – Rules Governing Physician Assistants**

The Board amended Regulation 24, which pertains to rules governing physician assistants, at its meeting on October 1, 2015, effective December 14, 2015.

Changes include removal of the Jurisprudence exam for licensure; a copy of the approved protocol must be kept at the PA’s practice location; PA’s may prescribe HCP’s reclassified by the DEA from Sch. 3 to Sch. 2 as of October 6, 2014, if authorized by the PA’s supervising physician and shall register said authorization with the DEA; a PA who is authorized to prescribe Sch 2 HCP’s must complete at least five (5) CME hours in the area of pain management; and PA’s shall adhere to Regulation 16 of the Arkansas Medical Practices Act.

To review these regulations in their entirety, go to our website, [www.armedicalboard.org](http://www.armedicalboard.org). Click on Forms and Publications, then click on the Medical Practices Act.

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Official Board Appointments

Governor Asa Hutchinson recently appointed five new members to the Arkansas State Medical Board. We welcome these new members:

- **WILLIAM LYMAN RUTLEDGE, M.D.** practices general surgery in Little Rock. His term expires December 31, 2020. Dr. Rutledge replaces Harold B. Betton, M.D.

- **RODNEY LEWIS GRIFFIN, M.D.** practices family medicine in Magnolia. His term expires December 31, 2020. Dr. Griffin replaces Sylvia D. Simon, M.D.

- **ROBERT E. BREVING, JR., M.D.** is a general surgeon in Hot Springs. He is certified by the American Board of Surgery. His term expires December 31, 2020. Dr. Bревинг also serves on the Physician Assistant Advisory Committee. Dr. Bревинг replaces John E. Hearnberger, II, M.D.

- **DAVID LARRY STAGGS, M.D.** practices family medicine at Unity Health-Family Practice Associates in Searcy. His term expires December 31, 2021. Dr. Staggs replaces Jim C. Citty, M.D.

- **MRS. MARIE HOLDER** was appointed as the Consumer Representative on the Board. She is a graduate of the University of Mississippi with a B.A. in English and Broadcast Journalism. Mrs. Holder worked as Deputy Press Secretary to Senator Trent Lott of her home state, Mississippi. She served as Executive Director of the Republican Party of Arkansas. Mrs. Holder currently works as a political consultant. She has lived in Little Rock for over 14 years with her husband Ryan and their two daughters. Her term expires December 31, 2021. She replaces Scott Pace, Pharm.D, J.D.
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<th>Name</th>
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ATTENTION – Physician Assistants

Act 529 of 2015 gives Physician Assistant’s and Advanced Practice Registered Nurses the authority to write Schedule II prescriptions for those hydrocodone combination products reclassified from Schedule III to Schedule II in October 2014. Regulation 24 of the Arkansas State Medical Practices Act further requires that each PA who seeks this prescribing privilege must complete 5 hours of CME in the area of pain management.

If you have already been approved by the Board for writing Schedule II HCP’s, in order to be in compliance with Regulation 24, you must provide the Board with documentation of completion of the appropriate CME. Prompt compliance is important.

If you have NOT submitted your initial request for Schedule II HCP prescriptive authority and your supervising physician wishes for you to have this privilege, include the required CME documentation with your request. It will be processed, recorded in your file, and returned to you for forwarding to the DEA.

Prompt compliance is important.

A list of PA’s who have been approved for Schedule II HCP prescribing but have not submitted their pain management CME as of 7/15/16 will be provided to the Board for their review at the August 2016 meeting.

Mail, fax, or e-mail the documentation to the Board office. Specify in your correspondence that the CME documentation is in regard to your HCP prescribing authority. Mail to Arkansas State Medical Board, 1401 West Capitol, Suite 340, Little Rock, AR 72201; fax to 501-296-1805; or email to support@armedicalboard.org (must be in pdf format).

In the future when changing Supervising Physician’s, your protocol must include specific indications as to whether or not you will be authorized to write Schedule II HCP’s and your CME must be on file in the Board office. The authorization to write Schedule II HCP’s is supervising physician specific, so that each time you change/add Supervising Physicians, you are requested to include a new authorization request under that physician.
ATTENTION!

Change of Address Form is now available on the ASMB Web Site:
http://www.armedicalboard.org/forms.aspx
Please FAX: (501) 603-3555
E-Mail: (support@armedicalboard.org) in .pdf only
or Mail to:
Arkansas State Medical Board
1401 West Capitol Avenue, Suite 340
Little Rock, AR 72201-2936

Change of Address may be completed online with a licensee account.