COUNCIL BILL NO. 2017-455 ORDINANCE NO.

AN ORDINANCE amending Chapter 62, Health and Sanitation. In general, enacting a new Article IX of the Joplin City Code, Prescription Drug Monitoring Program; and containing an emergency clause.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

WHEREAS, the opioid crisis has been well-documented in recent years, and the City of Joplin is no exception to this public health crisis; and

WHEREAS, one of the tools used to combat opioid abuse is the Prescription Drug Monitoring Program ("PDMP"); and

WHEREAS, PDMPs are state-run electronic databases used to track the prescribing and dispensing of controlled prescription drugs to patients. They are designed to monitor this information for suspected abuse or diversion (i.e., channeling drugs into illegal use), and can give a prescriber or pharmacist critical information regarding a patient's controlled substance prescription history. This information can help prescribers and pharmacists identify patients at high-risk who would benefit from early interventions. PDMPs continue to be among the most promising state-level interventions to improve opioid prescribing, inform clinical practice, and protect patients at risk; and

WHEREAS, it is the desire of the City of Joplin to enact a PDMP for the purpose of combating the opioid crisis and protecting the health, safety, and welfare of its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Article IX of the Joplin City Code, Prescription Drug Monitoring Program, is enacted to read as follows:

"Article IX. Prescription Drug Monitoring Program

Sec 62-341 Applicability

The provisions of this ordinance will serve to enact the development and administration of a program for monitoring the prescribing and dispensing of schedule II, III, and IV controlled substances by professionals licensed to prescribe or dispense such substances within City of Joplin; establishing penalties for violations thereof; authorizing the City Council to accept grants and donations in support of the monitoring program; and appropriating same upon receipt for support of the monitoring program.

The provisions of this ordinance shall not apply to persons licensed pursuant to Chapter 340 RSMo.

This ordinance follows the provisions and guidelines set forth in compliance with Ordinance Number 26,352, 2016 established by St. Louis County.

Sec 62-342 Definitions

The following terms shall have meanings ascribed to them as follows:

(a) Controlled Substance means a drug, substance, or immediate precursor in schedules II through IV as set out in Chapter 195 RS MO.

(b) Department means St. Louis County Department of Public Health (DPH).

(c) Director means the Director of the City of Joplin Health Department, or the person or persons duly designated by the Director to carry out the duties of the Director specified in this ordinance.

(d) Local Public Health Department (LPHD) means the City of Joplin Health Department.

(e) Dispenser means a person who delivers a Schedule II, III, or IV controlled substance to a patient. However, the term does not include:
    1. a hospital as defined in Section 197.020 RSMo that distributes such substances for the purpose of inpatient care or dispenses prescriptions for controlled substances at the time of discharge from such facility;
    2. a practitioner or other authorized person who administers such substance; or
    3. a wholesale distributor of a Schedule II, III, or IV controlled substance.

(f) Patient means a person who is the ultimate intended user of a drug for whom a prescription is issued, or for whom a drug is dispensed, not including a hospice patient enrolled in a Medicare-certified hospice program who has controlled substances dispensed to him or her by such hospice program.

(g) Schedule II, III, and IV controlled substance means a controlled substance listed in Schedules II, III, or IV as set out in chapter 195 RS MO or the Controlled Substance Act 21 U.S.C Section 812.

62-343 Establishment of Monitoring Program

(a) City of Joplin shall join St. Louis County to establish and maintain a program for monitoring the prescribing and dispensing of all Schedule II, III, and IV controlled substances by professionals licensed to prescribe or dispense such substances in City of Joplin, and may implement such rules which are necessary to implement such program.

(b) St. Louis County holds the contract with Appriss. City of Joplin will have a subscription to participate.

(c) This ordinance gives authority for St. Louis County to receive information from City of Joplin through the Appriss system.

(d) The program established and maintained shall operate so as to be consistent with Federal law concerning regulation of narcotics and with privacy of lawful users of same. The rules may provide for the county to suspend the requirement of reporting a particular category of information pursuant to subsections 6 and 7 of this section if it is determined that so reporting will conflict with the collection of other reported information by the collection management system of the monitoring program. The rules shall be effective upon approval of the City Council.

(e) City of Joplin will submit all required documentation through the Prescription Drug Monitoring Program approved by St. Louis County Department of Public Health.

(f) Within seven business days of having dispensed a schedule II, III, or IV controlled substance all dispensing agencies must submit by electronic means, information regarding such dispensing through the approved vendor system.

(g) The information submitted for each dispensing site to the Prescription Drug Monitoring Program shall at a minimum include:
    1. The pharmacy's Drug Enforcement Number (DEA);
    2. The date of dispensation;
    3. If dispensed via a prescription,
        i. The prescription number;
        ii. Whether the prescription is a new or a re-fill;
        iii. The prescriber's DEA or National Provider Identifier number;
        iv. The national drug code of the drug dispensed;
        v. The quantity and dosage of the drug dispensed;
        vi. An identifier for the patient for whom the drug was dispensed, including but not limited to any one of the following: driver license number, government issued identification number, insurance cardholder identification number, or the patient's name, address, and date of birth.

(h) The dispenser's submission of the required information to the Prescription Drug Monitoring Program shall be in accordance with the transmission standards established by the American Society for Automation in Pharmacy, or any of its successor organizations.

(i) All data submitted to the current vendor, Appriss, will be monitored and reviewed by St. Louis County Department of Public Health.

62-344 Dispensation Information to be closed Pursuant to Law

(a) Except when provided to persons or agencies authorized by this ordinance to receive such information, dispensation information submitted to the Prescription Drug Monitoring Program is a closed record and not subject to public disclosure except as provided by law.

No person shall provide such information to any person or agency not authorized by thisordinance to receive it. A request for information made under Chapter 610 RS MO shall be referred to the county prosecutor who shall take all reasonable and lawful steps to ensure non-disclosure of the information except as required by law.

(b) The Director of the Prescription Drug Monitoring Program shall develop and maintain procedures to ensure that the privacy and confidentiality of patients, and personal information collected, recorded, transmitted, and maintained are not disclosed to persons not authorized by this ordinance to receive dispensation information.

62-345 Use of Monitoring System by Dispensers not in City of Joplin

(a) St. Louis County may permit dispensers located in counties to participate in the Prescription Drug Monitoring program and allow data entered to be viewed. All authorized users will have access to data entered by City of Joplin. Permission for access shall be conditional upon the participant complying in all respects with the provisions of the ordinance.

62-346 Notification of Law Enforcement

(a) The Director of St. Louis County Department of Public Health shall review dispensation information transmitted to Department, and if the Director develops a reasonable belief that a violation of law has occurred, or develops a reasonable belief that a breach of professional standards has occurred, the Director shall notify the appropriate law enforcement agency or the appropriate professional licensing regulatory agency. The Director may provide any dispensation information requested by such entities when advised that such information is required for conduct of an official investigation.

62-347 Persons Authorized to be Provided Dispensation Information

(a) Dispensation information and other data compiled by the Prescription Monitoring Program may be provided to the following persons upon a duly made request of the St. Louis County Department of Public Health:
    1. Persons who are authorized to prescribe or dispense a controlled substance if the requesting person demonstrates that the request is made for the purpose of providing medical or pharmaceutical care for a patient. This includes persons within or outside the state of Missouri.
    2. Persons who request their own dispensation information in accordance with the law;
    3. The State Board of Pharmacy;
    4. Any state board charged with regulating a healthcare professional authorized to prescribe or dispense controlled substances, and which has duly requested the information or data in the course of a current and open investigation into the acts of a professional under the jurisdiction of a state board. Only information related to the subject professional shall be provided.
    5. Local, state, and federal law enforcement, or prosecutorial officials, both inside or outside of Missouri, who are engaged in the administration, investigation, or

enforcement of laws governing prescription drugs based on a specific case and under subpoena issued pursuant to court order.

6. The MO HealthNet Division of the Missouri Department of Social Services regarding MO HealthNet program recipients.
7. A judge or other judicial officer under a subpoena issued pursuant to a court order.

62-348 Obedience to Law Required

(a) No person, absent lawful authority, shall knowingly access or disclose prescription or dispensation information maintained by the Prescription Drug Monitoring Program, or knowingly violate any other provision of this ordinance.
(b) Any person convicted of violating this ordinance shall be punished by a fine of up to $1,000.00 or up to one year in jail, or both.

62-349 Acceptance of Grants

The City Council, on behalf of City of Joplin is authorized to accept grants or donations from private or public persons or organizations made in support of the Prescription Drug Monitoring Program authorized by this ordinance.

62-350 Revisions or Revocation of Ordinance

If the City Council find the provisions of the Prescription Drug Monitoring Program Ordinance are substantially similar to a statute of the State of Missouri regulating the same subject, the City Council by order may suspend any or all of the provisions of this ordinance, or amend as necessary."

Passed by the Council of the City of Joplin, Missouri, this _____ day of _____, 2017.

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ATTEST: Michael L. Seibert, Mayor

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Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

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Peter C. Edwards, City Attorney