



Insights

Updated INSPECT Requirements Will Streamline Practitioner Obligations

May 1, 2019

By: Stacy Walton Long and Andrew W. Breck

A new bill recently cleared Indiana's legislature that will change the requirements of Indiana's Scheduled Prescription Electronic Collection and Tracking ("INSPECT") program. The bill modifies the changes enacted last year that made failure to check the INSPECT database prior to prescribing an opioid or benzodiazepine a Class A misdemeanor. Specifically, House Bill No. 1294 reduces the instances punishable as a Class A misdemeanor from knowingly or intentionally violating any aspect of the INSPECT program to cases relating to the release of confidential information in an unauthorized manner under the INSPECT program.

Another change specifies that practitioners can obtain the required prescription monitoring information either directly from the INSPECT database or through a patient's electronic health record if the INSPECT database information has been integrated into the patient record. Furthermore, the new law provides additional instances in which a practitioner is *not* required to obtain information from the INSPECT database before prescribing an opioid or benzodiazepine. One instance is when a patient is recovering or in the process of completing a prescription that was prescribed by another practitioner while the patient is still being treated as an inpatient or in observation status. A second instance is when the INSPECT database is suspended or otherwise not operational, provided that the practitioner document the date and time in the patient's medical record that either the practitioner, dispenser, or delegate attempted to use the INSPECT database.

The INSPECT requirements currently apply to practitioners providing services in hospital emergency departments and pain management clinics, and also practitioners who have information from the INSPECT database integrated into the patient's electronic health record. Beginning on January 1, 2020, the INSPECT requirements will apply to all practitioners in a hospital setting. On January 1, 2021, the INSPECT requirements will apply to all practitioners regardless of the practice setting.

If you have any questions related to the new legislation, please contact Stacy Walton Long at slong@kdlegal.com or Andrew W. Breck at abreck@kdlegal.com.