

Insights

Upcoming INSPECT Compliance Dates

October 28, 2018

By: Thomas N. Hutchinson

Governor Eric Holcomb signed Senate Enrolled Act 221 ("SEA 221") into law on March 22, 2018, which updated INSPECT requirements for practitioners with a controlled substance registration ("CSR") in Indiana. Notably, several of the bill's requirements are effective **January 1, 2019**.

Under SEA 221, all practitioners who are permitted to distribute, dispense, prescribe, conduct research with respect to, or administer ephedrine, pseudoephedrine, or a controlled substance in the course of the practitioner's professional practice must be registered with INSPECT by **January 1, 2019**. Practitioners with a CSR who are not registered with INSPECT should begin the registration process now.

SEA 221 also requires practitioners to check INSPECT before prescribing an opioid or a benzodiazepine to a patient based on the following timeline:

- Beginning July 1, 2018, a practitioner who has information from INSPECT integrated into the patient's electronic health records.
- Beginning January 1, 2019, a practitioner who provides services to the patient in the emergency department of a hospital or a pain management clinic.
- Beginning January 1, 2020, a practitioner who provides services to the patient in a hospital.
- Beginning January 1, 2021, all practitioners must check INSPECT prior to prescribing an opioid or benzodiazepine

Accordingly, practitioners providing services within the emergency department of a hospital or a pain management clinic will also be subject to a **January 1, 2019** deadline and be required to check INSPECT before prescribing an opioid or benzodiazepine to a patient in those settings.

An exception to SEA 221's general rule exists for patients with pain management contracts. A practitioner is not required to obtain information about a patient who is subject to a pain management contract from the INSPECT database before prescribing an opioid or benzodiazepine to that patient more than once every 90 days.



Failure to check INSPECT prior to prescribing an opioid or benzodiazepine to a patient based on the above timeline qualifies as a Class A misdemeanor.

Finally, it is important to note that practitioners are not required to check INSPECT for hospital orders. An order to dispense a drug to a patient for immediate administration in a hospital is not considered a prescription under 856 IAC 2-1-1.

The full text of SEA 221 may be viewed [here](#). If you have questions regarding SEA 221 or need assistance registering with INSPECT, please contact Thomas N. Hutchinson at thutchinson@kdlegal.com or your regular Krieg DeVault attorney.