

CERTIFIED COPY OF ORDER NO: 02-2017 # 1797

STATE OF MISSOURI
COUNTY OF PETTIS

} ss.

Term, 2017

In the Pettis County Commission of said County, on the 21st day of April 2017, the following, among other proceedings, were had, viz:

COMMISSION ORDER 02-2017 #1797

**Pettis County, Missouri
Prescription Drug Monitoring Program Ordinance**

An ordinance 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 Pettis County; establishing penalties for violations thereof and authorizing the Pettis County Health Center to accept grants and donations and utilize those funds in support of the monitoring program.

In order to enhance the public health of Pettis County, this ordinance shall apply to all of Pettis County except those incorporated areas with a separate public health department capable of supporting and monitoring the implementation of the program.

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

The County Commission of Pettis County appoints the Pettis County Health Center under the elected Board of Trustees as the Administrative authority for this ordinance.

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

It is hereby ordered by the Pettis County Health Center Board of Trustees and the Pettis County Commission as follows:

Section 1. Authority

The County Commission of Pettis County enacts this ordinance under the powers given to the County by the provisions of section 192.300 RSMo which provides the authority to promulgate orders, ordinances, rules or regulations to enhance public health and prevent the entrance of dangerous diseases into the County.

Section 2. Definitions

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

- 2.01 Controlled Substance – A drug, substance or immediate precursor in schedules II- V as set out in Chapter 195 RSMo.
- 2.02 Department – St. Louis County Department of Public Health (DPH)

- 2.03 Director – Director of the St. Louis County Department of Public Health or the person or persons duly designated by the Director to carry out the duties of the Director specified in this ordinance.
- 2.04 Local Public Health Agency – Pettis County Health Center
- 2.05 Dispenser – A person who delivers a Schedule II, III, or IV controlled substance to a patient
However, the term does not include
- a. 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;
 - b. a practitioner or other authorized person who administers such substances; and
 - c. a wholesale distributor of Schedule II, III, or IV controlled substances
- 2.06 Patient – 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.
- 2.07 Schedule II, III, IV, V controlled substances – A controlled substance listed in Schedules II, III, IV, V as set out in chapter 195 RSMo or the Controlled Substance Act 21 U.S.C. Section 812

Section 3 Establishment of Monitoring Program

- 3.01 Pettis County shall join St. Louis County Department of Public Health to establish and maintain a program for monitoring the prescribing and dispensing of all Schedule II, III, or IV controlled substances by professionals licensed to prescribe or dispense such substances in Pettis County and may implement such rules necessary to implement such a program.
- 3.02 St. Louis County Health Department holds the contract with Apriss. Pettis County will have a subscription to participate through the Pettis County Health Center which provides the reimbursement for program participation.
- 3.03 This ordinance gives authority for St. Louis County Health Department to receive information from Pettis County through the Apriss system.
- 3.04 The program established and maintained shall operate so as to be consistent with Federal law concerning regulation of narcotics and privacy of lawful users of the same. The rules may provide for the county to suspend the requirement of reporting a particular category of information pursuant to subsection 2 of this section if it is determine 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 the approval of the County Commissioners.
- 3.05 Pettis County will submit all required documentation through the Prescription Drug Monitoring Program approved by St. Louis County Department of Health.
- 3.06 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.
- 3.07 The information submitted for each dispensing site to the Prescription Drug Monitoring Program shall at a minimum include:
- a. The pharmacy's Drug Enforcement Number (DEA)
 - b. The date of dispensation; and
 - c. If dispensed via prescription; the prescription number; whether the prescription is new or a refill; the prescriber's DEA or National Provider Identifier number; the national drug code of the drug dispensed; the quantity and dosage of the drug dispensed; and 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

- 3.08 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
- 3.09 All data submitted by the current vendor, Apriss, will be monitored and reviewed by St. Louis County Public Health Department.

Section 4 – Dispensation Information to be Closed Pursuant to Law

- 4.01 Except when provided to persons or agencies authorized by the 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 this ordinance to receive the information. A request for information made under Chapter 610 RSMo, shall be referred to the prosecuting attorney who shall take all reasonable and lawful steps to ensure non-disclosure of the information except as required by law.
- 4.02 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.

Section 5 – Use of Monitoring System by Dispensers not in Pettis County

- 5.01 St. Louis County Health Department may permit dispensers located in other counties to participate in the Prescription Drug Monitoring Program and allow data entered to be viewed. The Pettis County Health Center will have access to all data, in aggregate form, entered by all Missouri counties participating in the Prescription Drug Monitoring Program. All Missouri counties and states participating will have access to data entered by Pettis County. Permission for access shall be conditional upon the participant complying in all respects with the provisions of the ordinance.

Section 6 – Notification of Law Enforcement

- 6.01 The Director of St. Louis County Health Department shall review dispensation information transmitted to Pettis County Health Center 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.

Section 7 – Persons Authorized to Provided Dispensation Information

- 7.01 Dispensation information and other data compiled by the Prescription Drug Monitoring Program may be provided to the following persons upon a duly made request of the St. Louis County Department of Public Health;
- a. 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
 - b. Persons who request their own dispensation information in accordance with the law
 - c. The State Board of Pharmacy

- d. Any State Board charged with regulating a healthcare professional authorized to prescribe or dispense controlled substances, and which had 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.
- e. Local, state, and federal law enforcement or prosecutorial officials, both inside and 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 a court order.
- f. The MO HealthNet Division of the Missouri Department of Social Services regarding MO HealthNet program recipients.
- g. A judge or other judicial officer under a subpoena issued pursuant to a court order.

Section 8 – Penalties

- 8.01 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 provisions of this ordinance.
- 8.02 Failure to comply with the provisions of this ordinance shall be considered a Class misdemeanor

Section 9.- Severability

- 9.01 If any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and that holding shall not affect the validity of the remaining portion of this ordinance.

Section 10. Amendments

- 10.01 This ordinance may be amended at any time.

Section 11. Effective Date

- 11.01 This ordinance shall become effective on that date that this ordinance is acted upon and ordered by the Pettis County Commission.

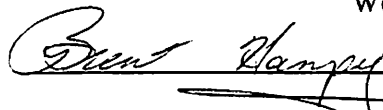
This ordered on this 21st day of April, 2017



David D. Dick
Presiding Commissioner



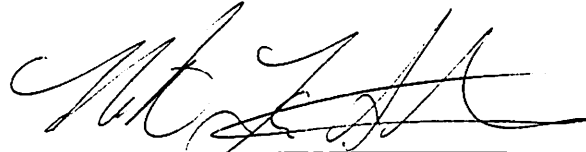
Jim Marcum
Western Commissioner



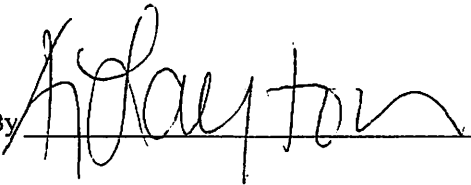
Brent Hampy
Eastern Commissioner

I, Nick La Strada, Clerk of Pettis County Commission, in and for said County, do hereby certify the above and foregoing to be a true copy of the proceedings of our said PETTIS COUNTY COMMISSION, on the day and year above written, as the same appears of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County Commission, at the office in Sedalia, MO, this, the 21st Day of April, 2017.



Clerk of County Commission

By  D. C.