



National Association of State  
Controlled Substances Authorities



## NASCSA NEWS

November 16, 2016

### Contact Us

NASCSA  
72 Brook Street

Quincy, MA 02170  
Phone: (617) 472-0520  
Fax: (617)472-0521  
[E-mail: kathykeough@nascsa.org](mailto:kathykeough@nascsa.org)  
[Website: www.nascsa.org](http://www.nascsa.org)

Webmaster: [ward@nascsa.org](mailto:ward@nascsa.org)

### NASCSA Adopts Updated PMP Model Act

After many months of hard work on behalf of NASCSA's Prescription Monitoring Program (PMP) Committee who engaged with a number of stakeholders from a variety of constituencies, including PMP Administrators, the National Alliance for Model State Drug Laws, the National Association of Boards of Pharmacy and the American Academy of Pain Management, NASCSA members voted to approve an updated Model Prescription Monitoring Program (PMP) Act.

A special thank you to Barb Carter (MN), who Chaired last year's PMP Committee along with NASCSA's consultant Sherry Green, of Sherry Green & Associates, LLC, who was hired to lead the effort to update the Model Act.

### President's Message

Greetings!

Greetings! It was an honor to be elected as President of NASCSA at the 2016 conference. Based on conference evaluations, this year's conference was among our best. A huge thank you to our [sponsors](#) who ensured that last year's conference was so well received and allowed us to continue to offer travel scholarships to six individuals from member states to attend the annual conference. Believe it or not the Program Committee will begin planning for next year's conference in the next few weeks. If you are interested in serving as a speaker or know of a speaker/topic we should consider, please contact me or a member of the Program Committee. We have many exciting things planned for the coming year and I look forward to sharing them with you. On a personal note, I wanted to thank Peg Clifford, Matt Wetzel, Chad Zadrazil and Michael Goff for their tireless efforts serving on NASCSA's Executive Committee.

*David Dryden, President, NASCSA*

### Near Record Attendance at 2016 Annual Conference

The 32nd annual conference took place in last month in New Orleans, Louisiana at the Crown Plaza French Quarter with over 160 attendees from over 42 states as well as industry representatives. In an effort to "go green" presentations were posted online in advance of the conference and we continue to receive positive feedback to this change. The 2017 Program Committee will be convening shortly to begin working on next year's program, to take place **October 17-20,**

The updated model act is found [here](#).

### ASAP Updates PDMP Reporting Standard with the Release of 4.2A

The American Society for Automation in Pharmacy (ASAP) last week announced V 4.2 of its reporting standard, which has become a widely used standard by Prescription Drug Monitoring Programs (PDMPs). State PDMP Administrators from 17 states as well as other key stakeholders participated in the recently updated release.

Additional information can be found [here](#).

### Interested in PMP Legislation?

Due to our ongoing collaboration with the National Alliance for Model State Drug Laws (NAMSDL), we have been provided with an updated compilation of information on state and federal legislation and regulations pertaining to Prescription Monitoring Programs as a courtesy to members. The latest listing is found [here](#) under the PMP section of our website.

### Ninth Circuit Considers Limits to DEA Access to Oregon PDMP

On November 7, 2016, the US Court of Appeals for the Ninth Circuit heard arguments in Oregon Prescription Drug Monitoring Program v. United States DEA, Case No. 14-35402(9th Cir. 2016). The Drug Enforcement

**2017** at the [Drury Hotel](#) in San Antonio, Texas. The Drury Hotel is located along the banks of the [River Walk](#), home to dozens of shops and restaurants.

Presentations from this year's conference are found [here](#). Also check out our [photo gallery](#).



A terrific turnout at this year's Annual Conference with 42 states represented.

## Conference Highlights

Highlights of the 2016 conference include the following:

### Election of Officers:

The following slate of officers and executive committee members were approved at this year's conference:

- David Dryden (DE) - President
- Barbara Carter (MN) - Vice President
- Larry Pinson (NV) - Secretary/Treasurer
- Joshua Vinciguerra (NY) - Executive Committee (2 year term)
- Christie Frick (SC) - Executive Committee (2 year term)
- Eric Griffin (OH) - Executive Committee (1 year term)
- Alan McGill (PA) - Executive Committee (1 year term)
- Ralph Orr (VA), - Chair of the Executive Committee

### Adoption of Resolutions:

A number of resolutions were adopted by the membership at the annual conference. Those adopted at this year's conference include the

Administration (DEA) sought to overturn a US District Court for the District of Oregon ruling that the DEA's use of administrative subpoenas to access records from the Prescription Drug Monitoring Program (PDMP) violates the Fourth Amendment (the District Court Case).

The case has potentially wide-ranging implications.

Every state except Missouri currently maintains a PDMP. PDMPs maintain detailed records of controlled substances prescriptions filled by pharmacies, the physicians who prescribed the drugs and the patients who use them. Pharmacists and prescribers are expected to check the PDMP when filling and writing prescriptions, respectively. PDMPs are designed as a tool to improve health outcomes and to reduce prescription drug abuse.

In creating the PDMP, the Oregon legislature classified information uploaded into the PDMP as "protected health information" subject to disclosure only upon issuance of a court order based on probable cause. O.R.S. §192.553. Under the federal Controlled Substances Act (CSA), however, the DEA may issue administrative subpoenas which may be executed without a court order.

A copy of a full analysis is found <https://www.mwe.com/en/thought-leadership/publications/2016/11/ninth-circuit-limits-dea-access-oregon-pdmp>.

following::

- A Resolution encouraging state Prescription Monitoring Programs to monitor all federally scheduled controlled substances;
- A Resolution encouraging states to expeditiously reschedule any Food and Drug Administration-approved cannabidiol product following rescheduling by the Drug Enforcement Administration;
- A Resolution encouraging the over-the-counter status and reimbursement for Naloxone by all payers.
- In addition, resolutions recognizing the following individuals were adopted: Dean Wright, John Gadea and Ronald Kline.

The Resolutions/Bylaws Committee will begin its work on possible resolutions and any potential bylaw changes for 2017 shortly. More information will be forwarded to members in the coming months. Members are encouraged to submit resolution suggestions as soon as possible.

#### **Revised Bylaws Passed:**

One change to the bylaws was enacted by the membership during the business meeting. A copy of the revised bylaws is found [here](#).



*Kathy Keough is shown accepting the President's Award from President David Dryden*

## **DEA Schedules Deadly Synthetic Drug U-4770**

46 confirmed deaths linked to dangerous opioid in '15 and '16 sparks emergency action

FOR IMMEDIATE RELEASE

Contact: DEA National Media Affairs

(202) 307-7977

@DEAHQ

**Press Release**

WASHINGTON, DC - Responding to the imminent threat to public health and safety, the U.S. Drug Enforcement Administration (DEA) has placed U-47700 into Schedule I of the Controlled Substances Act, effective on November 14th.

Emergency scheduling of dangerous drugs such as U-47700 on a temporary basis is one of the most significant tools DEA can utilize to address the problems associated with deadly new street drugs.

DEA has received reports of at least 46 confirmed fatalities associated with U-47700. 31 of those fatalities occurred in New York and 10 in North Carolina. From October 2015 to September 2016, DEA has received 88 reports from State and local forensic laboratories of U-47700 submissions.

This scheduling action will last for 24 months, with a possible 12-month extension if DEA needs more data to determine whether it should be permanently scheduled.

U-47700 is a novel synthetic opioid, and its abuse parallels that of heroin, prescription opioids, and other novel opioids. Law enforcement agencies report seizures of the drug in powder form and counterfeit tablets that mimic pharmaceutical opioids. Abuse of the drug often happens unknowingly to the user, and is encountered as a single substance as well as in combination with other drugs such as heroin and fentanyl.

Some bags are marked with stamped logos, imitating a heroin sale. In addition, the drug can be pressed into pill format and marketed as a wide variety of prescription opioids. Because substances like U-47700 are often manufactured in illicit labs overseas, the identity, purity, and quantity are unknown, creating a "Russian Roulette" scenario for any user.

DEA's Final Order is available for public viewing today in the Federal Register and outlines the purpose of the action and details the threats it poses to public health and safety. On Monday, November

14th, the Final Order will be published in the Federal Register and will take affect. Also included in Monday's Federal Register notice will be DEA's 3-factor analysis of the drug as required by the Controlled Substances Act, including DEA's analysis of U-47700, which includes the drug's chemical structure; history and current pattern of abuse; scope, duration and significance of abuse; and risk to the public health. Also included in DEA's evaluation are detailed charts of opioid receptors binding and functional results of U-47700, and all other supporting documentation.

The Final Order for public viewing in the Federal Register can be found [here](#).

## 2016-2017 Committees Being Formed

Want to become more involved in supporting the work of NASCSA? Many state/associate members have already stepped up to the plate, with a record number of volunteers having agreed to serve on NASCSA committees for the 2016-2017 year. This year the following committees were formed: Program; PMP Committee; Resolutions/Bylaws; Special Projects; Survey/Data; and Membership. For a list of current committees click [here](#).

We hope you enjoyed this latest edition of NASCSA News. We strongly encourage members and others to share information from their respective agencies for consideration for our newsletter. Please email [KathyKeough@nascsa.org](mailto:KathyKeough@nascsa.org) with your articles and ideas.

Sincerely,

*Kathy Keough*, Executive Director

NASCSA 72 Brook Street, Quincy, MA 02170