

Federal Register Notice Seeks Comments on NASPER Funding

A recent Federal Register Notice, published on April 29, 2009 is soliciting comments on minimum criteria in order to be eligible for state Prescription Drug Monitoring Programs to be eligible for \$2 million in funding for the National All Schedules Prescription Electronic Reporting Act (NASPER). NASPER was enacted on August 11, 2005, and directs the Secretary of Health and Human Services (HHS) to provide grants to states to implement or improve their prescription monitoring program (PDMP's). [The closing date for comments is May 29, 2009.](#)

National All Schedules Prescription Electronic Reporting Act (NASPER). NASPER was enacted on August 11, 2005, and directs the Secretary of Health and Human Services (HHS) to provide grants to states to implement or improve their prescription monitoring program (PDMP's).

For a copy of the NASPER enabling legislation along with the Federal Register Notice is posted on the NASCSA website at www.NASCSA.org under Prescription Monitoring Programs.

Virginia Investigates Potential PMP Data Breach

RICHMOND - On Wednesday, May 6, 2009 Sandra Whitley Ryals, Director of the Virginia Department of Health Professions (DHP), issued the following statement regarding a potential breach of security for the Prescription Monitoring Program mandated by Virginia state law:

"A criminal investigation is currently underway regarding a potential security breach of the Virginia Department of Health Profession's (DHP) Prescription Monitoring Program on Thursday, April 30. While DHP cannot comment directly on an ongoing investigation, we can assure the public that all precautions are being taken for DHP operations to continue safely and securely.

"Since last week, when DHP recognized an unauthorized message was posted on the Prescription Monitoring Program website, we have been working very closely and cooperatively with federal and state law enforcement to resolve the situation. The entire DHP system has been shut down since Thursday to protect the security of the program data, and state authorities including the Virginia Information Technologies Agency (VITA) and the Virginia State Police were notified immediately upon identifying the potential breach. We are satisfied that all data was properly backed up and that these backup files have been secured. "As the criminal investigation permits, we will be sharing additional details in the coming days on the agency's website (www.dhp.virginia.gov) including questions and answers for concerned program participants."

Changing Your Contact Information

If your contact information changes, please login using the original email address you originally had subscribed with and update any information (including your new email address and updated contact information)

State Regulatory Developments

State Regulatory Developments is a monthly compilation by NASCSA of state regulatory actions related to pharmacy and controlled substances. Make sure to visit this section of the website monthly for an up to date listing of issues that may be of interest. www.nascsa.org/news.htm

Scholarships

Recognizing the current fiscal challenges many states are faced with this year, NASCSA's Executive Committee this year has voted to award six (6) travel scholarships of up to \$1500 each to attend this year's conference. Scholarship criteria as well as the application are currently posted on NASCSA's website at www.NASCSA.org. The deadline for applications is July 1, 2009.

A copy of the press release and a Q & A is posted on NASCSA's website (see Prescription Monitoring Program). Additional updates will be posted as they become available.

NASCSA Wants to Know!

Over the past several months NASCSA's Survey/Data Committee has been working on a variety of projects. The Committee is interested in compiling a list of potential questions should be sent to state members, industry representatives and others interested in controlled substances that would be of benefit to the organization and its members. Please forward any potential questions to either Dean Wright at dwright@azpharmacy.gov or NASCSA Executive Director Kathy Keough at kathykeough@nascsa.org

The Survey/Data Committee is Comprised of Dean Wright (AZ), Chair, and members Ron Kline (WY); Grant Carrow (MA); Ralph Orr (VA); Kathy Ellis (CA) and Heather Tompson (Endo Pharmaceuticals).

DEA Issues Interim Rule on Internet Pharmacies

The US Drug Enforcement Administration (DEA) has issued an interim final rule to implement the Ryan Haight Online Consumer Protection Act. Enacted in October 2008, the Ryan Haight Act amended the Controlled Substances Act and Controlled Substances Import and Export Act by adding several new provisions to prevent the illegal distribution and dispensing of controlled substances over the Internet. Except for a few subsections, including the definition of telemedicine, this interim rule took effect on April 13, 2009. Among other requirements, the Ryan Haight Act requires online pharmacies selling controlled substances to obtain modified DEA registration. DEA is accepting comments on these interim regulations through June 5. More information is available in the April 16 Federal Register at http://www.deadiversion.usdoj.gov/fed_regs/rules/2009/fr0406.pdf

We hope you have enjoyed our electronic newsletter. If you have news items to share or other information that may be helpful to our members, please forward to me.

Sincerely,
Kathy Keough
Executive Director, NASCSA
kathykeough@nascsa.org

**Dues Notices will
be sent for the
upcoming fiscal
year on June 15,
2009.**