

Change Page

Section 8.10 -- Reporting of Persons Unlawfully Obtaining or Attempting to Obtain Controlled Substances

| REVISION DATE | CHANGE NUMBER | CHANGE | | | | |
|------------------|---|--|------------------|------|---------|---|
| 9/13/2010 | 1 | <p data-bbox="513 632 1015 688">POLICY REWRITE:</p> <table border="1" data-bbox="513 737 1429 1829"> <thead> <tr> <th data-bbox="513 737 701 915">Before and After</th> <th data-bbox="701 737 1429 915">WHAT</th> </tr> </thead> <tbody> <tr> <td data-bbox="513 915 701 1829">BEFORE:</td> <td data-bbox="701 915 1429 1829"> <p data-bbox="708 915 824 947">POLICY</p> <p data-bbox="708 947 1422 1136">Any prescribing provider who has good reason to believe a person is "doctor shopping" for controlled substances shall report the activity within three (3) business days to the local law enforcement agency.</p> <p data-bbox="708 1167 1429 1650">The phrase "doctor shopping" for controlled substances refers to a person who deceives or fails to disclose to a physician, nurse practitioner, ancillary staff, or other health care provider from whom the person obtains or attempts to obtain a controlled substance or a prescription for a controlled substance, that the person has received either the same controlled substance or a prescription for the same controlled substance, or a controlled substance of similar therapeutic use or a prescription for a controlled substance of similar therapeutic use, from another practitioner within the previous thirty (30) days.</p> <p data-bbox="708 1682 943 1713">APPLICABILITY</p> <p data-bbox="708 1713 1422 1829">This policy applies to all Local Health Department, Regional and Central Office personnel, including part-time, contractual, and volunteers, whose work</p> </td> </tr> </tbody> </table> | Before and After | WHAT | BEFORE: | <p data-bbox="708 915 824 947">POLICY</p> <p data-bbox="708 947 1422 1136">Any prescribing provider who has good reason to believe a person is "doctor shopping" for controlled substances shall report the activity within three (3) business days to the local law enforcement agency.</p> <p data-bbox="708 1167 1429 1650">The phrase "doctor shopping" for controlled substances refers to a person who deceives or fails to disclose to a physician, nurse practitioner, ancillary staff, or other health care provider from whom the person obtains or attempts to obtain a controlled substance or a prescription for a controlled substance, that the person has received either the same controlled substance or a prescription for the same controlled substance, or a controlled substance of similar therapeutic use or a prescription for a controlled substance of similar therapeutic use, from another practitioner within the previous thirty (30) days.</p> <p data-bbox="708 1682 943 1713">APPLICABILITY</p> <p data-bbox="708 1713 1422 1829">This policy applies to all Local Health Department, Regional and Central Office personnel, including part-time, contractual, and volunteers, whose work</p> |
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requires them to prescribe medications.

PURPOSE

To comply with Tennessee’s mandatory reporting of “doctor shopping” for controlled substances law.

PROCEDURE

Any prescribing provider, including physician, dentist, nurse practitioner, who has good reason to believe a person has obtained or attempted to obtain controlled substances by deceiving or failing to disclose to a prescribing provider from whom the person obtains a controlled substance, or prescription for a controlled substance, that the person has received either the same controlled substance or a prescription for the same controlled substance, or a controlled substance of similar therapeutic use or a prescription for a controlled substance of similar therapeutic use, from another prescribing provider within the previous thirty (30) days must report such activity within three (3) business days to the local law enforcement agency for investigation.

Any Department of Health physician, dentist, nurse practitioner, or other prescribing provider who makes a report of “doctor shopping” for controlled substances is presumed to have acted in good faith and is thereby immune from any liability so long as the report was made in good faith.

Documentation should be entered into the chart indicating the need for patient education regarding inappropriate use of medication. The Reporting of Persons Unlawfully Obtaining or Attempting to Obtain Controlled Substances documentation form shall be completed to assist the provider in reporting suspected “doctor shopping” for controlled substances. The form is maintained in a confidential file separate from the patient’s health record in the local health department. Permission is not needed to report the suspected activity; however, the employee’s supervisor shall be notified prior to making a report or as soon as possible following a report.

NECESSARY FORMS

Suspected Illegal Use of Controlled Substances Reporting Form

REFERENCE DOCUMENTS

1. T.C.A. 53-11-309
2. T.C.A. 53-11-402(a)(6)
3. T.C.A. 53-11-402(b)(1)

OFFICE OF PRIMARY RESPONSIBILITY

Office of the Medical Director, Bureau of Health Services, (615)741-7305

AFTER: POLICY

Any prescribing health care provider (licensed physician, dentist, physician assistant, or nurse practitioner with certificate of fitness pursuant to TCA 63-7-123) who has actual knowledge that a person has knowingly, willfully, and with intent to deceive, obtained or attempted to obtain controlled substances in the manner prohibited by TCA 53-11-402(a)(6), shall submit a report within five (5) business days to the local law enforcement agency where the health care provider is located, or where one exists, to a judicial district or multi-judicial district drug task force.

TCA 53-11-402 (a)(6) refers to a person who deceives or fails to disclose to a physician, nurse practitioner, ancillary staff, or other health care provider from whom the person obtains or attempts to obtain a controlled substance or a prescription for a controlled substance, that the person has received either the same controlled substance or a prescription for the same controlled substance, or a controlled substance of similar therapeutic use or a prescription for a controlled substance of similar therapeutic use from another practitioner within the previous thirty (30) days.

Any prescribing provider, or any person under the direction of the health care provider that assumes the responsibility of reporting for the provider who

furnishes any information in good faith is immune from liability if a complaint, report, information, or record is furnished to a law enforcement agency.

Any physician, nurse practitioner, or physician assistant who has actual knowledge that a person has knowingly, willfully, and with intent to deceive, obtained or attempted to obtain controlled substances in the manner prohibited by [TCA 53-11-402\(a\)\(6\)](#), and who is providing treatment to a person with a mental illness as defined in [TCA 33-1-101](#) may, but is not required to, report as provided for under [TCA 53-11-309\(a\)](#).

If any prescribing provider's actual knowledge of conduct prohibited by [TCA 53-11-402\(a\)\(6\)](#) is a result of the health care provider accessing the information available in the controlled substance database established in [TCA 53-10-304](#), then notwithstanding the confidentiality provisions in TCA 53-10-306, the local law enforcement agency or, where one exists, to a judicial district or multi-judicial district drug task force may receive from the health care provider only the pertinent information from the database for the thirty (30) days prior to the date of treatment leading to the alleged offense.

APPLICABILITY

This policy applies to all prescribing health care providers (licensed physician, dentist, physician assistant, or nurse practitioner with certificate of fitness pursuant to [TCA 63-7-123](#)) .

PURPOSE

To comply with Tennessee's mandatory reporting of persons unlawfully obtaining or attempting to obtain controlled substances.

PROCEDURE

Any prescribing provider who has actual knowledge that a person has knowingly, willfully, and with intent to deceive, obtained or attempted to obtain controlled substances in the manner prohibited by [TCA 53-11-402\(a\)\(6\)](#), shall submit a report within five (5) business days to the local law enforcement

agency where the health care provider is located, or where one exists, to a judicial district or multi-judicial district drug task force.

This report shall be made using the form “A Report to a Local Law Enforcement Agency by a Provider of a Person Attempting to Obtain Controlled Substances by Deception” which can be found at <http://health.state.tn.us/providers.htm> .

Documentation should be entered into the chart indicating the need for patient education regarding inappropriate use of medication. The form used to report to the local law enforcement agency is maintained in a confidential file separate from the patient’s health record in the local health department. Permission is not needed to report the activity; however, the employee’s supervisor shall be notified prior to making a report or as soon as possible following a report.

This policy/procedure shall not apply in the case of a person who, on the date of treatment by the health care provider, is enrolled in or covered by TennCare.

NECESSARY FORMS

“A Report to a Local Law Enforcement Agency by a Provider of a Person Attempting to Obtain Controlled Substances by Deception” – found at the state website:
<http://health.state.tn.us/providers.htm> .

REFERENCE DOCUMENTS

1. [T.C.A. 33-1-101](#)
2. [T.C.A. 53-10-304](#)
3. [T.C.A. 53-10-306 \(b\)](#)
4. [T.C.A. 53-11-309](#)
5. [T.C.A. 53-11-402\(a\)\(6\)](#)
6. [T.C.A. 53-11-402\(b\)\(1\)](#)
7. [T.C.A. 63-7-123](#)

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Office of the Medical Director, Bureau of Health Services, (615)741-7305

5/10/2010

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New Policy