



Action

Preventive

The
Quarterly Risk
Management
Newsletter for
Policyholders
of FPIC

Summer
2000

RISK ALERT

Prescription Abuse/Medication Diversion

“Woman uses boy to steal drug forms,” “Man charged with Rx Fraud,” “Police arrest man on narcotics charges.” These are headlines from stories related to prescription theft from physicians’ and dentists’ offices. According to the Drug Enforcement Agency (DEA), the abuse of prescription drugs ranks second only to cocaine abuse and accounts for almost 30% of the nation’s drug problem.

The abuse of prescription drugs and diversion of medications has become a problem for healthcare professionals. A prescription drug abuser may prey on

the sincere efforts of health care professionals to eliminate pain and suffering and provide comfort for a patient. Frequently, prescription drugs become a very valuable product for the drug trafficker. The theft of prescription medications occurs in a variety of ways. Every physician and dentist should safeguard against becoming an easy target for drug diversion.

The most effective method of combating prescription drug abuse is through education and communication. Recognizing characteristics of the drug abuser is the first step in preventing abuse and/or theft.

Common Characteristics of the Drug Abuser:

- Unusual behavior in the waiting room
- Assertive personality, often demanding immediate action
- Unusual appearance – extremes in either slovenliness or being overdressed
- May show unusual knowledge of controlled substances and/or gives medical history with textbook symptoms OR gives elusive or vague answers to questions regarding medical history
- Reluctant or unwilling to provide reference information. Usually has no regular doctor and often no health insurance
- Will often request a specific controlled drug and is reluctant to try a different drug
- Generally has no interest in diagnosis – fails to keep appointments for further diagnostic tests or refuses to see another practitioner for consultation
- May exaggerate medical problems and/or simulate symptoms
- May exhibit mood disturbances, suicidal thoughts, lack of impulse control, thought disorders, and/or sexual dysfunction
- Cutaneous signs of drug abuse – skin tracks and related scars on the neck, axilla, forearm, wrist, foot, and ankle. Such marks are usually multiple, hyperpigmented and linear. New lesions may be inflamed
- Shows signs of “pop” scars from subcutaneous injections



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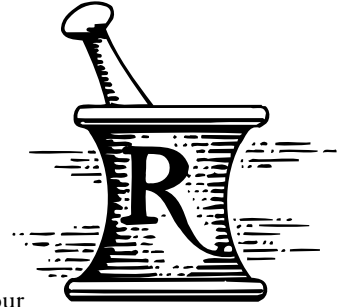
Modus Operandi Often Used by the Drug-Seeking Patient Include:

- Must be seen right away
- Wants an appointment toward end of office hours
- Calls or comes in after regular hours
- States he/she is traveling through town, visiting friends or relatives (not a permanent resident)
- Feigns physical problems, such as abdominal or back pain, kidney stone, or migraine headache in an effort to obtain narcotic drugs
- Feigns psychological problems, such as anxiety, insomnia, fatigue or depression in an effort to obtain stimulants or depressants
- States that specific non-narcotic analgesics do not work or that he/she is allergic to them
- Contends to be a patient of a practitioner who is currently unavailable or will not give the name of a primary or reference physician
- States that a prescription has been lost or stolen and needs replacing
- Deceives the practitioner, such as by requesting refills more often than originally prescribed
- Pressures the practitioner by eliciting sympathy or guilt or by direct threats
- Utilizes a child or an elderly person when seeking pain medication

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What You Should Do When Confronted by a Suspected Drug Abuser:

- DO**
- Perform a thorough examination appropriate to the condition.
 - Document examination results and questions you asked patient.
 - Request picture ID or other ID and Social Security number; photocopy these documents and include in the patient's record.
 - Call a previous practitioner, pharmacist, or hospital to confirm patient's story.
 - Confirm a telephone number, if provided by the patient.
 - Confirm the current address at each visit.
 - Write prescriptions for limited quantities.



- DON'T**
- "Take their word for it" when you are suspicious.
 - Dispense drugs just to get rid of drug-seeking patients.
 - Prescribe, dispense, or administer controlled substances outside the scope of your professional practice or in the absence of a formal practitioner-patient relationship.

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To Avoid Prescription Pad Theft and Prescription Abuse:

- Secure inventory of prescription pads in locked area.
- Number your prescription pads; keep a count of all prescription pads by having staff document a weekly inventory count.
- Keep one prescription pad in your pocket for use in your office.
- Do not leave prescription pads in patient rooms, at workstations or in view of patients.
- Do not have your DEA number pre-printed on prescription pads.
- Do not give your DEA number to anyone in your office.
- Do not allow anyone else to sign your prescription pads.
- Maintain a current list of medications prescribed for each patient, along with dates and numbers of refills (including samples) to monitor the patient's medication use.
- Know your employees; conduct a pre-employment criminal background investigation and pre-employment drug screening for potential employees and include a policy for random drug testing in your personnel manual.
- Do not pre-sign any prescriptions.
Florida Statutes §466.028(1)(dd) prohibits presigning blank prescriptions or laboratory work order forms; this act shall constitute grounds for which disciplinary actions may be taken.

STATUTES AFFECTING MEDICATION USE AND PRESCRIPTION PRACTICES

Florida Dentists	466.028 (1)(p)	"Prescribing, procuring, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the professional practice of the dentist. For the purposes of this paragraph, it shall be legally presumed that prescribing, procuring, dispensing, administering, mixing, or otherwise preparing a legend drug, including all controlled substances, in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the professional practice of the dentist, without regard to his intent."
	466.028 (1)(q)	"Prescribing, procuring, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893, by a dentist to himself, except those prescribed, dispensed, or administered to the dentist by another practitioner authorized to prescribe them."
	466.028 (1)(r)	"Prescribing, procuring, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or a Schedule II sympathomimetic amine drug or compound thereof, pursuant to chapter 893, to or for any person except for the clinical investigation of the effects of such drugs or compounds when an investigative protocol therefore is submitted to, and reviewed and approved by, the board before such investigation is begun."

Florida Dentists	466.028 (1)(s)	"Being unable to practice his profession with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the secretary or his designee, that probable cause exists to believe that the licensee is unable to practice dentistry or dental hygiene because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of this profession with reasonable skill and safety to patients."
Georgia Dentists	43-11-47 (a)(14)	"Engaged in excessive prescribing or administering of drugs or treatment or the use of diagnostic procedures which are detrimental to the patient as determined by customary practice and standards of the local community of licensees; or knowingly prescribed controlled drug substances or any other medication without a legitimate dental purpose; or knowingly overprescribed controlled drug substances or other medication, in light of the condition of the patient at the time of prescription."
	43-11-47 (a)(12)	"Displayed an inability to practice dentistry with reasonable skill and safety to patients or has become unable to practice dentistry with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, narcotics, chemicals or any other type of material, or as a result of any mental or physical condition, or by reason or displaying habitual intoxication, addiction to, or recurrent personal misuse of alcohol, drugs, narcotics, chemicals, or any other type of similar substances."

If you discover a loss of controlled substances or a theft of prescription forms, you are required to notify the DEA and your local law enforcement. Communicate the incident to your county professional societies, local pharmacies and hospitals, and your colleagues. Alerting others in the health community to the problem may help deter further attempts at prescription abuse and

theft. Additionally, Florida Statute §466.028(1)(f) for dentists requires any licensee to report knowledge of any violation to the board. If a dentist or physician is aware that a partner or colleague is violating any of the statutes, he or she must report the potential violation to the appropriate professional board.

DRUG ENFORCEMENT ADMINISTRATION FIELD OFFICES

Location	Jurisdiction
Ft. Lauderdale Resident Office 1475 W. Cypress Creek Blvd., Suite 301 Ft. Lauderdale, FL 33309 (305) 527-7094	Southern Florida
Miami Division 8400 NW 53 rd St. Miami, FL 33166 (305) 590-4980	Southern Florida Eastern Coast of Florida
Tampa Resident Office 5426 Bay Center Dr. Tampa, FL 33609 (813) 228-2486	Central, North Central, and Northwestern Florida
Atlanta Division 75 Spring Street, SW Room 740 Atlanta, GA 30303 (404) 331-7328	Georgia

If you have any questions or concerns, please call your FPIC Risk Management Office at (800) 741-3742 extension 3263.

DENTAL OFFICE CONSULTATION

FPIC offers a free risk management consultation to dentists insured with FPIC. The consultation consists of an interview with a key office staff member, a tour of the facility and a dental record review.

The consult focuses on:

- General Practice Descriptions
- Office Observations
- Office Policies and Procedures
- Pharmaceuticals/Supplies
- Equipment
- Diagnostic Functions
- Bio-Hazard Waste Disposal
- Examination/Treatment Rooms
- Office Procedures/Surgery
- Credentials
- Patient Contact
- Emergency Procedures
- Staffing
- Dental Record Keeping



The practice is assessed with consideration for professional liability and compliance with Florida Administrative Codes and other applicable state and federal regulations affecting the practice of dentistry. From the assessment, risk management strategies for reducing any identified risk exposure are recommended. A written report describing assessment findings and recommendations is provided.

For more information contact Sandra Strickland, Risk Management Consultant at (800) 741-3742 extension 3263.

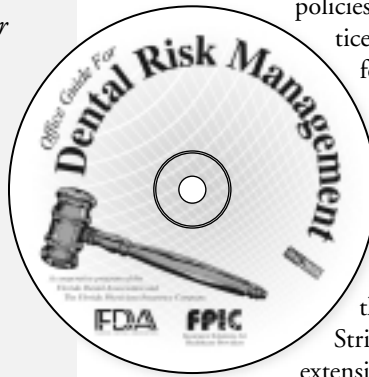
DENTAL RISK MANAGEMENT OFFICE GUIDE

Free to Policyholders

FPIC is happy to provide your office with a copy of our newly revised Office Guide for Dental Risk Management on CD.

The CD contains a risk exposure questionnaire to help you identify potential risk exposures for your practice. Risk management strategies, including professional image, access to care, dental record keeping, and policies and procedures for your practice are described. Sample chart forms, which may be utilized by your practice, are incorporated in the guidebook. The Florida Administrative Codes pertaining to Dentistry are also included.

To obtain your free copy of the CD, please call Sandra Strickland at (800) 741-3742 extension 3263.



FPIC publishes Preventive Action on a quarterly basis as a service to its policyholders. Information in this publication does not establish a standard of care, nor is it a substitute for legal advice. The information and suggestions contained in this newsletter are generalized and may not apply to all practice situations. FPIC recommends you obtain legal advice from a qualified attorney for a specific application to your practice. This information should be used as a reference guide only.

Editor: Margaret Douglass



Insurance Solutions for Healthcare Providers

P.O. Box 44033

Jacksonville, Florida 32231-4033

1-800-741-3742 (FPIC)

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