



RISK ALERT

Prescription Abuse/Medication Diversion

Action

Preventive

“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.



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- 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.

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 §458.331(1)(aa) for physicians 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 Physicians	458.331 (1)(q)	"Prescribing, procuring, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. 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 physician's professional practice, without regard to his or her intent."
	458.331 (1)(r)	"Prescribing, procuring, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893, by the physician to himself or herself, except one prescribed, dispensed, or administered to the physician by another practitioner authorized to prescribe, dispense, or administer medicinal drugs."
	458.331 (1)(r)	"Being unable to practice medicine 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,

Florida Physicians	458.331 (1)(r) cont'd	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 medicine 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 medicine with reasonable skill and safety to patients."
	458.331 (1)(bb)	"Prescribing any medicinal drug appearing on Schedule II in chapter 893 by the physician for office use."
Georgia Physicians	43-34-37 (a)(7)	"Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice need not have resulted in actual injury to any person. As used in this paragraph, the term "unprofessional conduct" shall include any departure from, or failure to conform to, the minimal standards of acceptable and prevailing medical practice and shall also include, but not be limited to, the prescribing and use of drugs, treatment, or diagnostic procedures which are detrimental to the patient as determined by the minimal standards of acceptable and medical practice or by rule of the board."
	43-34-37 (a)(13)	"Become unable to practice medicine 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."

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 § 458.331(1)(e) requires any licensee to report knowledge of any violation to the board. If a 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.

FPIC ENDORSES ELECTRONIC RISK MANAGEMENT TOOL

FPIC has entered into an agreement with a company that has developed an electronic prescribing system. iScribe, located in San Mateo, California, is the developer of software that works with palm-sized, wireless personal data assistants. The software allows a physician to utilize a point-and-click environment to create a prescription that has been checked against a particular patient's formularies, allergies and potential drug conflicts. That prescription can then be printed, faxed or electronically transmitted to the patient's choice of pharmacy.

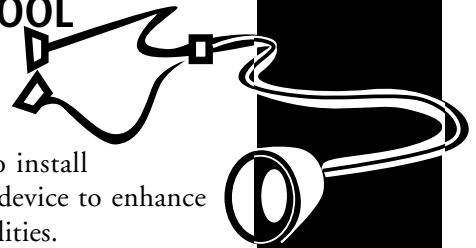
iScribe will supply current and future FPIC insureds with the palm-sized device, software, printer, forms and technical support. The device will feature a sponsor button through which FPIC can communicate with its insureds through video or text messaging. iScribe has contractually agreed that there will be no charges to the physician for the first three years. After three years, there may be license or other fees associated with the continued use of this system. In addition, we have agreed to grant a 5% risk management discount, capped at \$1,000, to any present or

future FPIC insured who utilizes this device. iScribe will be working with us to install additional features on the device to enhance its risk management capabilities.

If you would like more information, contact FPIC's Risk Management Department.

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



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RISK MANAGEMENT GUIDE ON CD-ROM

FPIC is getting on the technology bandwagon! A Reference Tool for Risk Management for physicians will be available this fall on CD-ROM. Providers may print out any portions they wish to utilize or to retain in paper form. None of the information is proprietary and reproduction among



practitioners is encouraged. This is a more portable and reproducible version of the tried and true "blue book" that you have come to know and love.

To obtain copies, call Liz Lopez at 800-741-3742, ext. 3052.



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