

## **Drug Court Case Management: A Guide to Exploring Current and Potential Use of Reports from Prescription Drug Monitoring Programs**

A prescription history for a drug court participant from a state prescription drug monitoring program (PDMP) can be a valuable tool for use in case management. This brief guide outlines what a PDMP is, which states provide PDMP reports to drug courts, the mechanisms through which PDMP reports are provided to drug courts, benefits of using PDMP reports in drug court case management and resources for exploring potential use of PDMP reports within a state's drug courts.

### *What is a prescription drug monitoring program?*

A prescription drug monitoring program (PDMP) is a state program that collects controlled substance prescription records from dispensers (e.g., pharmacies) state-wide and then provides prescription histories and other compiled and/or analyzed data to authorized end-users for use in clinical care, law enforcement and/or the regulation of professional practice.

### *What are some of the benefits of using PDMP reports in drug court case management?*

- The rise in prescription drug diversion, abuse and addiction means that an increasing number of drug court participants are enrolled due to involvement with controlled prescription drugs.
- Information on a participant's prescription history for controlled substances can play a valuable role in monitoring and changing the participant's behavior.
- Periodic and random drug tests (drug screens) that analyze hair, blood or urine samples are routinely used to detect illicit and non-medical drug use.
- However, these tests aren't completely reliable in detecting the presence of all prohibited substances, and are subject to evasion by resourceful and determined drug users.
- Courts must take other steps to monitor participant behavior to ensure they uphold agreements to remain drug free, or in the case of controlled prescription drugs, use them only as medically indicated.
- PDMP data can reveal patterns of prescribing that indicate a participant might be using controlled medications non-medically or diverting them to friends, family or paying customers.
- PDMP reports can be used if a participant seems to be having unexpected or unexplained setbacks, or if evidence comes to light suggesting illicit drug use (e.g., a positive drug screen) or diversion activity (e.g., unexplained cash in hand).
- While a drug screen can't detect drug diversion, only drug use, PDMP data showing medically unnecessary prescriptions are a prima facie indicator of possible drug diversion.
  - PDMP reports are only indicators, not proof, of diversion or misuse. The pharmacies and doctors listed are contacted and records reviewed to confirm that the individual in question actually received the prescriptions dispensed.

### *What is the status of drug court access to PDMP reports?*

State PDMPs that currently provide reports to drug courts are: AK, ID, IL, IN, KY, MS, UT, WY. Existing and potential mechanisms through which PDMP reports might be provided to drug courts include:

- Direct statutory authority
- Depending upon state laws and regulations:
  - Participant agreement
  - Working through law enforcement
  - Court order or subpoena
  - Working with a participant's health care providers (i.e., prescribers and dispensers)

For more information on drug court access to PDMP reports, a drug court should consult with the state agency that administers the PDMP.

### *How do I find contact and other information on a state's PDMP?*

- To find information on a state's PDMP, go to [www.pdmpassist.org/content/state-profiles](http://www.pdmpassist.org/content/state-profiles) or go to [www.pdmpassist.org](http://www.pdmpassist.org) and select "State Profiles" under the "Resources" tab.
- To find contact information for a state's PDMP, go to [www.pdmpassist.org/node/400](http://www.pdmpassist.org/node/400) or go to [www.pdmpassist.org](http://www.pdmpassist.org) and select "State PDMP Contacts" under "State Contact Information".

### *Additional Resources*

- The Prescription Monitoring Program Model Act of 2010 includes language providing for direct authorization of PDMP reporting to drug courts (see [www.pdmpassist.org/content/guidelines](http://www.pdmpassist.org/content/guidelines)).
- Enabling access by drug courts to PDMP reports was identified as a PDMP best practice by the PDMP Center of Excellence (see [www.pdmpexcellence.org/sites/all/pdfs/Brandeis\\_PDMP\\_Report.pdf](http://www.pdmpexcellence.org/sites/all/pdfs/Brandeis_PDMP_Report.pdf))

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