Information for Law Enforcement Agencies on Submitting Reports to the ePDMP

Pursuant to 2015 Act 268

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2015 Wisconsin Act 268

2015 Wisconsin Act 268, codified as s. 961.37, Wis. Stat., became effective on March 18, 2016. It creates a duty for law enforcement agencies to submit information to the Prescription Drug Monitoring Program (PDMP) in four specific situations. The situations identified in the law are:

1. When a law enforcement officer reasonably suspects that a violation of the Controlled Substances Act involving a prescribed drug is occurring or has occurred.
2. When a law enforcement officer believes someone is undergoing or has immediately prior experienced an opioid-related drug overdose.
3. When a law enforcement officer believes someone died as a result of using a narcotic drug.
4. When a law enforcement officer receives a report of a stolen controlled-substance prescription.

When any of the situations occur, the law enforcement agency is required to submit to the PDMP the applicable data from the list below:

- The name and date of birth of the individual who is suspected of violating the Controlled Substances Act.
- The name and date of birth of the individual who experienced an opioid-related drug overdose.
- The name and date of birth of the individual who died as a result of using a narcotic drug.
- The name and date of birth of the individual who filed the report of a stolen controlled-substance prescription.
- The name and date of birth of the individual for whom the prescription drug involved in the suspected violation, drug overdose, or death was prescribed.

In addition to the above information, law enforcement agencies must submit the applicable data from the list below if a prescription medicine container or prescription order was in the vicinity of the suspected violation, drug overdose, or death or if a controlled-substance prescription was reported stolen:

1. The name of the prescriber
2. The prescription number
3. The name of the drug as it appears on the prescription order or prescription medicine container
2015 Wisconsin Act 268 Frequently Asked Questions

Is there a form that law enforcement agencies can use to report to the PDMP?

The process to submit reports to the Wisconsin PDMP is now completely electronic. The streamlined process is integrated into the new Wisconsin Enhanced Prescription Drug Monitoring Program (ePDMP). Designated staff of law enforcement agencies must create ePDMP accounts to submit reports at our website: https://pdmp.wi.gov/.

Can law enforcement agencies continue to submit reports using the old form?

No. The only way to submit reports to the ePDMP is online at https://pdmp.wi.gov/.

Does the law enforcement agency need an ePDMP account to submit a report?

Yes. Designated staff at law enforcement agencies must register for an ePDMP account to be able to submit reports to the ePDMP. The ePDMP minimizes redundant data entry and uses the law enforcement agency’s ePDMP account information to identify the source of the report.

Who at a law enforcement agency can submit a report to the ePDMP?

The law does not require any specific individual at an agency to submit the reports to the ePDMP. Therefore, each agency may designate a person or people to submit reports to the ePDMP. The contact information associated with the account that submitted the report will be included in the alert to ePDMP users.

How are the reports used by the ePDMP?

As required by Act 268, the ePDMP disseminates the contents of the report and contact information for the law enforcement agency to relevant ePDMP users. This is accomplished in two ways. First, the ePDMP notifies prescribers who have prescribed to the individual identified in the report about the report. Second, the ePDMP creates an alert that is viewable as part of
the individual’s ePDMP report.

How long will the reports submitted to the ePDMP be retained?

The reports sent to the ePDMP are retained just like data submitted to the ePDMP by pharmacies and other dispensers as required by law.

Are the reports submitted by law enforcement agencies subject to open records requests?

(Link: http://docs.legis.wisconsin.gov/statutes/statutes/961/III/385/4)

How often are law enforcement agencies required to submit reports to the ePDMP?

The law does not establish frequency or timeframe during which agencies must submit a report to the ePDMP. Department of Safety and Professional Services staff process reports submitted to the ePDMP daily.

How soon after an investigation closes does law enforcement need to submit a report to the ePDMP?

The law does not indicate a timeframe during which agencies must submit a report to the ePDMP once an investigation is closed.

Do law enforcement agencies have to submit reports about non-prescription controlled substances?

It depends on which type of report is being made:

1. Law enforcement agencies need to submit reports about prescription controlled substances only when the report is about a suspected violation of the Controlled Substances Act involving a prescribed drug.

2. Law enforcement agencies need to submit reports about both prescription and non-prescription opioid controlled substances when the report is about an opioid-related drug overdose.
3. Law enforcement agencies need to submit reports about both prescription and non-prescription narcotics when the report is about a death as a result of using a narcotic drug.

4. Law enforcement agencies need to submit reports about prescription controlled substances only when the report is about a stolen controlled substance prescription.

For Reference Only (Source):

- “Opioid-related drug overdose” means a condition including extreme physical illness, decreased level of consciousness, respiratory depression, coma, or the ceasing of respiratory or circulatory function resulting from the consumption or use of an opioid, or another substance with which an opioid was combined.

- “Narcotic drug” means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
  
  (a) Opium and substances derived from opium, and any compound, derivative or preparation of opium or substances derived from opium, including any of their salts, isomers and salts of isomers that are theoretically possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

  (bm) Synthetic opiate, and any derivative of synthetic opiate, including any of their isomers, esters, ethers, esters and ethers of isomers, salts and salts of isomers, esters, ethers and esters and ethers of isomers that are theoretically possible within the specific chemical designation.

  (c) Opium poppy, poppy straw and concentrate of poppy straw.

  (d) Any compound, mixture or preparation containing any quantity of any substance included in pars. (a) to (c).

What does “stolen controlled substance prescription” mean?
Under the pharmacy statute, Wis. Stat. 450.01, “prescription” means “a drug or device prescribed by a practitioner.” Therefore, a stolen controlled substance prescription is the drug itself (e.g., pills, syrup, bottle).