

**STATE BOARD NEWS -- MAY 1998 ISSUE**  
**(State Section Only)**

**PBM's AND THERAPEUTIC SWITCH PROGRAMS**

Prescription Benefit Management (PBM) firms are actively engaged in programs to switch patients' medications from centralized calling centers. Pharmacists or other employees located at these call centers are calling physician offices to obtain their permission to dispense a different medication than that originally prescribed. Once authorization is obtained, one of the prescription benefit companies forwards a "prescription change authorization" form to the patient with the instructions that they are to give the form to their pharmacist when they go to a pharmacy to obtain a refill of the previously-prescribed medication.

THE BOARD ADVISES PHARMACISTS PRACTICING IN OHIO THAT THIS FORM MAY ONLY BE USED FOR INFORMATION PURPOSES. **IT IS NOT A NEW PRESCRIPTION.** Pharmacists receiving these forms must contact the prescriber in order to obtain a new prescription order for the patient. Any refills remaining on the original prescription order should also be cancelled and comments recorded in the patient's drug therapy profile regarding the date the patient's therapy was changed following receipt of a new oral or written prescription from the prescriber. The PBM firm's pharmacist or other employee is not an agent of the prescriber and cannot legally transmit a prescription order for the prescriber as his/her agent.

The Board has also received a report that another PBM company had one of their pharmacists or employees call in a new prescription to an Ohio pharmacy following contact with the prescriber to change the drug originally prescribed and dispensed to the pharmacy's patient. **THIS IS NOT A NEW ORAL PRESCRIPTION AND THE NEW DRUG MAY NOT BE LEGALLY DISPENSED WITHOUT THE DISPENSING PHARMACIST CONTACTING THE PRESCRIBER AND OBTAINING A NEW PRESCRIPTION DIRECTLY FROM THE PRESCRIBER OR THE PRESCRIBER'S AGENT.**

The Ohio pharmacist receiving the telephone call from a pharmacist employed by the PBM company questioned whether or not the prescription that he was calling in was a legitimate prescription in Ohio. The pharmacist calling from the PBM located in another state was reported to "stammer" and quickly state that the call is for information purposes only and that the Ohio pharmacist may want to call the prescriber. The pharmacist did call the prescriber and discovered that the prescriber had completed a form sent to him by the PBM firm and mailed it back to the PBM over a month ago. The prescriber completed the form and authorized that Zestril 5mg be dispensed in place of the previously prescribed and dispensed Vasotec 5mg. The prescriber also noted however that he had seen the patient since the authorization form had been completed and returned to the PBM over a month ago and reported that he had issued a new written prescription for Zestril 10mg since authorizing the change in drugs. The pharmacist was told that the lower dose should not be dispensed since

the information on the form was out of date and did not reflect his most recent decision to increase the dose.

### **Integrated Health Care Data Systems and Data Integrity**

Several complaints have been received within the last month by the Board from prescribers and patients regarding problems they have experienced with PBM programs. An investigation of the complaints documents the fact that there is a real problem with the integrity and reliability of prescription information being entered into the systems by dispensing pharmacies.

The first complaint was from a prescriber who received a "DUR" letter from the PBM questioning her prescribing of drugs for a patient that the PBM considered to be over-utilizing controlled substances. The "DUR" letter further stated that the PBM's program "*is an information sharing tool intended to help you (the prescriber) assess your patient's drug therapy requirements*". Following receipt of the DUR letter, the prescriber was furious and following a telephone call to the Board office on the advice of a local pharmacist, the prescriber's office manager faxed copies of the FAX cover sheet faxed to the PBM, the DUR letter, and the so-called "Patient Profile".

The prescriber was extremely upset and rightly so due to the fact that she had not prescribed any of the drugs for the alleged "patient" who was "over utilizing" controlled substances. The prescriber wanted her name removed from the records indicating that she was the responsible prescriber. A careful review of the so-called "Patient Profile" by Board staff also indicated that one controlled substance prescription had been filled six times on the same day, two times with the brand name drug and four times with a generic by the same pharmacy. How the PBM generated such a report and from what information has not yet been determined. It is obvious, however, that the information **is not reliable** and **should not have been** used in judging the prescribing practices of the prescriber or possible "over-utilization" of controlled substances by the patient.

Another example of the questionable integrity and reliability of prescription data submitted to third-party payers and used by or accessed by a PBM to perform a "therapeutic switch" is the complaint received by the Board from an irate patient. The patient's spouse called the Board office to complain about the fact that they had received a "prescription change authorization form" indicating that a prescriber had authorized a new drug for her husband's blood pressure. The problem was that the prescriber authorizing the change was not the prescriber providing her husband's medical care. In fact, the prescriber authorizing the change had not even seen her husband for at least six years and they had changed to a new doctor because they were dissatisfied with the care provided by this prescriber.

The problems illustrated by the complaints described above provide the reasoning behind the Ohio Board of Pharmacy's warning that an authorization to dispense a different medication than that originally prescribed should be obtained directly from the prescriber and no one else. Relying on a third-party source for information that will result in an action being taken regarding a patient's drug therapy can cause serious problems if the information is not correct or current.

## **DISCIPLINARY ACTIONS**

The disciplinary actions listed below include only those where the individual's license to practice has been suspended, revoked, or restricted, and does not include those actions where the individual's license to practice has been placed on probation or has been reinstated without restrictions, or a monetary penalty imposed by the board.

Anyone having a question regarding the license status of a particular practitioner, nurse, pharmacist, pharmacy intern, or dangerous drug distributor in Ohio should contact the licensing board which regulates that profession or activity, as follows:

- State Dental Board (614/466-2580);
- State Medical Board (614/466-3934);
- State Nursing Board (614/466-3947);
- State Optometry Board (614/466-5115);
- State Pharmacy Board (614/466-4143);
- State Veterinary Medical Board (614/644-5281);
- Drug Enforcement Administration (216/522-3705).

### **STATE PHARMACY BOARD:**

*Order Effective 12/15/97:*

Joseph Claire Salmen, R.Ph.; Leetonia - Reinstatement approved. For five years from date I.D. card is issued, may not train pharmacy interns or be a preceptor, may not serve as responsible pharmacist, and may not destroy, or witness the destruction of, controlled substances.

*Settlement Agreements Effective 01/14/98:*

Michael David Connell, R.Ph.; Brook Park - May not train pharmacy interns or be a preceptor for two years.

Evelyn K. Hansen, R.Ph.; Dublin - License suspended 30 days and may not be employed by or work in a facility licensed by the Board while suspended; Upon reinstatement, may not train pharmacy interns or be a preceptor or serve as responsible pharmacist for one year.

James N. King, R.Ph.; Columbus - License suspended 30 days and may not be employed by or work in a facility licensed by the Board while suspended; Upon reinstatement, may not train pharmacy interns or be a preceptor or serve as responsible pharmacist for one year.

Crystal Edward White, R.Ph.; Warrensville Heights - License suspended one year and may not be employed by or work in a facility licensed by the Board while suspended; Upon reinstatement, may not train pharmacy interns or be a preceptor or serve as responsible pharmacist for three years.

*Order Effective 01/15/98:*

Arch Joseph Weber, R.Ph.; Pickerington - Reinstatement approved. For five years from date I.D. card is issued, may not train pharmacy interns or be a preceptor, may not

serve as responsible pharmacist, and may not destroy, or witness the destruction of, controlled substances.

*Settlement Agreement Effective 02/09/98:*

Lisa J. Fielder, R.Ph.; Circleville - License suspended 30 days and may not be employed by or work in a facility licensed by the Board while suspended; Upon reinstatement, may not train pharmacy interns or be a preceptor, or serve as responsible pharmacist for three years.

*Orders Effective 02/11/98:*

Martin Barron, R.Ph.; University Heights - May not train pharmacy interns or be a preceptor for five years.

Arthur P. Hess, R.Ph.; Port Clinton - License suspended indefinitely and may not be employed by or work in a facility licensed by the Board while suspended.

Elizabeth R. Murcia, R.Ph.; Indian Springs - License suspended indefinitely and may not be employed by or work in a facility licensed by the Board while suspended.

*Settlement Agreement Effective 02/11/98:*

Richard Foster Broderick, R.Ph.; Cincinnati - May not train pharmacy interns or be a preceptor and may not serve as responsible pharmacist through March 21, 1999.

*Order Effective 03/19/98:*

Randy J. Patrick, R.Ph.; Patriot - License suspended indefinitely and may not be employed by or work in a facility licensed by the Board while suspended.

*Summary Suspension of Licenses:*

Rodney Allen Keller, R.Ph.; Tiffin - Effective 02/10/98.

Harold Robert Peters, R.Ph.; Middleburg Heights - Effective 04/02/98.

David Angelo Pishotti, R.Ph.; Warren - Effective 02/10/98.

Jerry H. Starr, R.Ph.; Dayton - Effective 02/10/98.

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