

February 29, 2016

To: Representative Paul Seaton, Chair
Representative Liz Vazquez, Vice Chair
House Health & Social Services Committee

From: Cynthia Laubacher, Senior Director – State Affairs
Express Scripts Holding Company

Re: House Bill 344: Controlled Substances Prescription Database
Hearing: March 1, 2016 3:15pm

I write today on behalf of Express Scripts, one of the nation's leading pharmacy benefits managers and mail service pharmacies. Express Scripts administers prescription drug benefits on behalf of our plan sponsors – employers, health plans, unions and government health programs — for tens of millions of Americans. While we support the intent behind HB 344, we have a major concern with the reporting provision.

Express Scripts dispenses controlled substances through our mail service pharmacies to patients around the world. We have very powerful data analysis and reporting tools that allow us to flag situations that could indicate abuse, whether in the actions of physicians, pharmacies, or patients. Our Fraud, Waste and Abuse solutions help us identify doctors who are prescribing many more opioids than their practice would warrant, “pill mill” pharmacies that are filling them, and patients who may be drug seeking by visiting multiple doctors and pharmacies across a larger than expected geography.

HB 344 would require our mail service pharmacies to report in “near real time” when dispensing a controlled substance. While it is unclear as to what is meant by “near real time”, in the case of mail service pharmacies, that means we’re reporting before the patient receives the medication. Therefore, we respectfully request the bill be amended to allow mail service pharmacies 72 hours to report to the database. We are not opposed to checking the database before dispensing, nor to reporting, but simply ask that we be allowed additional time to report to the database given the volume we deal with as opposed to a retail pharmacy that may fill one or two prescriptions a day.

With this change, we would be pleased to support this important legislation. Please feel free to contact me with any questions. Thank you for your consideration of our concerns.