

Law Enforcement Utilizing INSPECT

PURPOSE

To ensure the protection of patient and practitioner confidentiality when law enforcement users access INSPECT data.

SCOPE

This policy applies to all law enforcement officers that are registered INSPECT accountholders.

STATEMENT OF POLICY

Each member of federal, state, or local law enforcement granted access to INSPECT holds a position of trust and must preserve the security and confidentiality of the INSPECT data he/she uses. INSPECT law enforcement users must meet specific eligibility requirements and must abide by all applicable Federal and State guidelines including, but not limited to, IC-35-48-7 and The Health Insurance Portability and Accountability Act of 1996 (HIPAA). INSPECT users must also utilize the system in accordance with the Indiana Board of Pharmacy usage guidelines. Misuse of INSPECT data may result in civil or criminal liability, in addition to the suspension/ revocation of the user's account access privileges. Registered accountholders wishing to reinstate their suspended/revoked INSPECT account access privileges must formally petition the Indiana Board of Pharmacy.

REFERENCES

IC-35-48-7-11.1

USAGE GUIDELINES

- Establishing an INSPECT Account:* Local, state and federal law enforcement officers are eligible for INSPECT accounts. This includes sworn officers, prosecutors, county coroners, the Indiana Board of Pharmacy compliance officers, and investigators affiliated with the Indiana Attorney General. Law Enforcement officers must have a Badge Number. Once an account is approved for the Law Enforcement officers they become registered accountholders, and each registered accountholder with a current investigation and valid case number is eligible to request an INSPECT Physician or Patient Prescription (Rx) History Report via the INSPECT PMP WebCenter.
- Contents of Report:* An INSPECT Patient or Practitioner Rx History Report provides an overview of a patient or practitioner's prescription activity for a specific period of time. The information contained in the report is submitted to INSPECT by the dispensing pharmacy within 24 hours (or next business day) from the date on which the drug was dispensed to the patient. Prescriptions dispensed on an outpatient basis at hospital pharmacies or doctors' offices are only legally required to be reported after January 1st, 2009 for prescriptions of more than a 72-hour supply, and may not be present on any INSPECT Rx History Reports until after that date.

3. *Requesting a Report:* Each registered law enforcement accountholder is authorized to request an INSPECT Rx Report if:

a) The law enforcement user is currently engaged in an active, ongoing investigation pertaining to the subject of the request; and

b) The investigation involves controlled substances. Each registered law enforcement accountholder may not request an INSPECT Report for any purpose other than to assist in an active, ongoing investigation pertaining to controlled substances.

Each registered law enforcement accountholder is also not permitted to request an INSPECT Report based solely on the contents or findings of another INSPECT Report.

4. *Case Identifier:* Each registered law enforcement accountholder must include a case number with every Patient or Practitioner Rx History Report request issued to INSPECT.

5. *Limited Use of Report:* An INSPECT Practitioner/Patient Rx History Report is not evidence. It is a tool intended to make the evidence gathering process more efficient. And the contents of the report must be thoroughly verified and reviewed before any formal action is taken against the subject of the INSPECT report.

6. *Sharing Report:* The information contained in the INSPECT Practitioner/Patient Rx History Report is privileged medical treatment information and must not be discussed with anyone who is not involved in an active, ongoing investigation of the patient/practitioner for whom the report was generated. Law enforcement users working within the same agency/office may share reports; however, if law enforcement personnel from outside the agency/office wish to obtain a copy of the report, they should establish an account with INSPECT and submit a request for their own copy of the report. The report, or the contents of the report, should never be faxed, mailed, emailed or otherwise disseminated. The report should also never be given directly to the practitioner/patient for whom the report was generated.

7. *Storing Report:* If the INSPECT Patient Rx History Report is stored by law enforcement within an office / agency location, it must be clearly marked "Do Not Copy."

8. *Role of INSPECT Staff:* Each registered accountholder or non-accountholder will not receive confidential prescription information from the INSPECT staff over the phone. Each registered accountholder or non-accountholder should not expect the INSPECT Staff to serve in a liaison role between themselves and law enforcement. INSPECT staff has no personal or prior knowledge of the contents of INSPECT Rx History Reports, and they should never be subpoenaed or formally called upon by law enforcement to examine, explain, interpret, or otherwise participate in the evaluation of an INSPECT Rx History Report.