

# Texas readies a new weapon against 'doctor shopping' for prescription drugs

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As prescription drug abuse increases, Texas is readying a new weapon to catch patients who "doctor shop" for multiple prescriptions and physicians who prescribe too many painkillers.

The Texas Department of Public Safety has been collecting prescription histories of Texans for years, but by this summer the data are expected to be online so doctors, pharmacists and law enforcement officials can more quickly identify the patients abusing pain medications and the medical establishments profiting from the drug trade.

The Legislature last year made "doctor shopping" a felony in most cases and has tried to curb so-called pill mills that supply popular painkillers. Next year, the Legislature will consider whether to make it mandatory for doctors and pharmacists to check the state database before writing or filling a prescription.

Some privacy advocates say questions still need to be answered about how law enforcement officials would use the database.

A panel of experts at the annual conference of the Texas Association of Business on Thursday outlined the rising rate of prescribed drug abuse, what the Legislature has done about it and what work is left to be done.

"Prescription drug abuse is an epidemic in our state and the nation," said Sen. Tommy Williams, R-The Woodlands, who has authored several laws addressing the issue.

He said last year were 188 overdose deaths attributed to prescription drugs in Harris County alone. He said the problem with pill mills in Texas spiked after Louisiana cracked down.

"They've run a lot of this business into Texas," Williams said.

He said the death rate attributed to overdosing on prescription drugs is 8.6 deaths per 100,000 Texans. In California and Florida, it's 10.4 and 16.5 per 100,000 people, respectively.

Williams said emergency room doctors report seeing more drug abuse from prescribed medications than illegal drugs.

"A lot of folks think, 'I'm not a drug abuser because I got this from a pharmacy,'" Williams said.

Dr. C.M. Schade with the Texas Pain Society said the problem is widespread.

Schade said 7 million Americans over age 12 abused prescription drugs for nonmedical purposes in 2009, adding that Americans used 99 percent of the hydrocodone and 80 percent of the oxycodone consumed in the world.

The theft of narcotics from pharmacies is rising in California because of Americans' appetite for painkillers and the relative ease of robbing pharmacies, Schade said.

"Would you rather rob a pharmacy or a bank?" Schade said.

The Texas Association of Business is concerned about prescription-drug abuse in the workplace. Specifically, the association is requesting data on whether injured workers are staying off the job longer because of drug abuse, driving up costs of workers' compensation insurance.

The Legislature has tried to address the issues by requiring pain management centers to register with the state for inspection, but some have begun calling themselves wellness or rehabilitation centers to avoid regulation.

Williams said that loophole will have to be addressed next year.

But perhaps the Legislature's most ambitious effort is automating what has been a cumbersome, paper-driven database.

In the past, there was lag time in collecting prescriptions and responding to doctors' requests for their patients' prescription history. That limited the use of the data. Pharmacies that had 45 days to send prescriptions to the state now have seven days.

Also, doctors ideally will be able to check a patient's prescription history online while patients are still in their offices.

"If physicians will use this tool, they can stop the abuse of drugs," said Johnny Hatcher, a former Department of Public Safety employee, on Thursday's panel.

Hatcher said doctors and pharmacies could save lives by identifying "doctor shoppers" and also reduce their legal liability in cases of patients taking multiple prescriptions from several doctors.

Hatcher said about 90,000 doctors, pharmacists and law enforcement officers are registered with the DPS for access to the database. "I think you'll see a blitz (in registrations) when it goes electronic," he said.

Williams said the database has its limitations: "Physicians can catch abuses, but they can't catch rogue clinics with their own pharmacies."

That's where law enforcement comes in. Williams said there could be a limit to what legislation can accomplish and that education is key.

He said he has urged television crews to film patients standing outside in line at known pill mills in his district.

"They don't want to be in the spotlight," Williams said.

The DPS database is still being tested and has been delayed. Assuming a successful rollout this summer, Williams said one issue before the Legislature would be whether to mandate that doctors and pharmacists use the database.

Lisa Graybill, legal director of the American Civil Liberties Union of Texas , said there are questions about how the Web-based database will affect the doctor-patient relationship and how law enforcement will use it.

"How it is implemented will have a lot to do with the impact on privacy concerns," Graybill said.

According to DPS, the prescription records are protected by the federal Health Insurance Portability and Accountability Act of 1996 and can only be released for treatment, payment or health care operations as defined by the law.

Access to the prescription database is also limited to law officers involved in drug investigations, according to DPS.

Hatcher said DPS has to balance the right to know against the need to know.

"You have to guard that data," he said. "Every cop doesn't need to know."

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