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Governor Steve Beshear's Communications Office

One Year In, Landmark Prescription Drug Bill Shows Huge Impact

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Overdose deaths are down; numbers of prescriptions for commonly abused drugs have dropped; 20 pain clinics shut down since House Bill 1 took effect

FRANKFORT, Ky. – One year after landmark legislation aimed at curbing prescription drug abuse took effect, Governor Steve Beshear credited the bill with closing non-compliant pain management clinics and reducing the number of prescriptions for heavily-abused controlled substances.

Plus, for the first time in a decade, the number of deaths blamed on prescription overdoses has declined.

House Bill 1 (HB1), signed into law by Gov. Beshear last spring, included multiple elements to prevent the abuse and diversion of prescription drugs and to enhance law enforcement's tools to investigate illegal prescribing practices.

“A year ago, Kentucky was at a breaking point. Families and communities splintered by prescription drug abuse were crying for help, and HB1 provided key tools to drive out illegal pill mills, curb doctor shopping and decrease unnecessary prescribing,” said Gov. Beshear. “The impact of this bill can’t be measured just in the numbers of pills we’ve kept off the streets. This bill, I believe, has literally saved lives in Kentucky.”

“As I have said before, reducing drug abuse is an ever-changing battle, but it’s undeniable that House Bill 1 has saved lives as we look back over the last year,” said House Speaker Greg Stumbo. “I’m proud of the results, and the fact that other states are following our lead. Our goal now is to build on these gains and to improve access to treatment, so that abusers can truly escape this deadly cycle once and for all.”

“HB1 was remarkable on two fronts: it was good policy that was developed in a strongly bipartisan manner that significantly reduced drug diversion and improper and illegal use of prescription drugs,” said Senate President Robert Stivers.

“There is no doubt in my mind that the passage of House Bill 1 saved lives in Kentucky. It’s reversing the downward spiral of prescription drug addiction that’s afflicted this state for more than a decade. For the first time, according to the most recent report from the U.S. Substance Abuse and Mental Health Services Administration, Kentucky is below the national average when it comes to prescription drug abuse. Now we need to work together across party lines to help increase funding for treatment,” said Attorney General Jack Conway.

HB1 Impact: Pain Clinics Shut Down

One of the major components of HB1 is the requirement that pain management facilities be owned by a licensed medical provider. Since the law was passed, 20 non-physician owned pain management facilities have closed. Cabinet for Health and Family Services (CHFS) has issued cease and desist letters to another four pain management facilities operating outside the scope of state regulations.

“Prescription drug abuse had reached epidemic levels in Kentucky and it was clear more needed to be done to help identify and stop the proliferation of these so-called pill mills,” said CHFS Secretary Audrey Tayse Haynes. “Since the passage of HB1, we’ve seen many facilities voluntarily close and have been able to better identify clinics that should not have been operating in the state of Kentucky. This measure is really making a difference in terms of stamping out prescription drug abuse in our state.”

Prescription overdose deaths down for first time in a decade

For the first time in a decade, Kentucky overdose deaths declined in 2012, according to a report issued this week by the Office of Drug Control Policy.

Of the 1,004 overdose fatalities in 2012, 888 were found to be unintentional, 59 were suicides and 57 remain undetermined, according to the report. In 2011, there were 1,023 overdose deaths in Kentucky.

The data, contained in the 2012 Overdose Fatality Report, was compiled from the Kentucky Medical Examiner's Office, the Kentucky Injury Prevention and Research Council and the Kentucky Office of Vital Statistics. The report was mandated under a provision in HB1.

Alprazolam (Xanax) remained the most-detected controlled substance in overdose deaths, present in 41 percent of all autopsied cases. Morphine was found in 32 percent of autopsies, followed by hydrocodone at 26 percent and oxycodone at 24 percent.

"Nineteen fewer families suffered the pain of a preventable death in 2012 as compared to 2011. Hopefully this downward trend will continue as the full impact of HB 1 continues to develop," said Van Ingram, executive director for the Kentucky Office of Drug Control Policy.

Autopsied overdose deaths attributed to the use of heroin increased 550 percent over the previous year, from 22 in 2011 to 143 cases in 2012.

Thousands of medical providers using prescription tracking system

HB1 required prescribers to register with the Kentucky All Schedule Prescription Electronic Reporting system (KASPER), which tracks controlled substances dispensed in Kentucky.

In 2011, before HB1, KASPER had 7,545 account holders. Now, more than 24,000 medical providers which are authorized to prescribe or dispense controlled substances by the U.S. Drug Enforcement Agency (DEA) are registered KASPER users.

Regulations set by the medical professional licensure boards mandate that licensees use the KASPER system before prescribing many controlled substances. As a result, the number of reports requested through KASPER has more than tripled from almost 811,000 in 2011 to nearly 2.7 million in 2012. Each weekday, providers request approximately 17,600 reports.

"The more providers use KASPER, the more effective the system becomes," said CHFS Inspector General Mary Reinle Begley. "We've gone from using the monitoring system whenever abuse was suspected, to proactively using the system when a prescription for a controlled substance is going to be issued. Significant changes in prescribing trends have resulted, namely the reduction in the number of some of our most heavily abused substances."

Big reductions in prescriptions for most-abused drugs

After a year of more robust reporting and tracking, KASPER shows that prescribing rates for hydrocodone, oxycodone and alprazolam have decreased, compared to a prior decade of annual increases.

Records indicate prescription levels for some controlled substances, such as hydrocodone and oxycodone, have declined significantly. For example, from August 2011 to May 2012, 198 million doses of hydrocodone were dispensed in Kentucky. That number declined 9.5 percent during the comparable post-HB1 period of August 2012 to May 2013, dropping to 179 million doses.

From August 2011 to May 2012, 72 million doses of oxycodone were dispensed in the state. However, one year later, that number had declined by 10.5 percent to 64 million doses.

"Seeing the increase in users and reports requested – coupled with the decline in the amount of controlled substances dispensed – demonstrates how significant HB1 has been," said Begley.

More Investigations, License Suspensions of Medical Providers

HB1 requires that when a complaint about inappropriate prescribing abuse is lodged with any of several investigative agencies – the Attorney General, Kentucky State Police (KSP), CHFS, or any of the professional licensure boards – that complaint must be shared with the remaining agencies. A Memorandum of Understanding between these agencies facilitates the distribution and use of the information for administrative and law enforcement purposes.

In 2011, KBML disciplined 53 physicians for prescribing violations. In the last 12 months, KBML has taken 78 disciplinary actions against 64 physicians for prescribing violations.

Those actions include 13 emergency orders of license suspension and four emergency restrictions. Another 22 physicians agreed to indefinite restriction of their prescribing authority, and five more surrendered their licenses rather than have them revoked.

“Thanks to HB1, our board was able to accelerate its reviews of prescribing complaints and take action against providers who violate proper procedures,” said Dr. Preston Nunnelley, KBML board chair. “The immediate cross-agency investigations help protect patients as well as providers. The Board considers violations involving controlled substances to be very serious, and we will continue to act quickly to protect Kentuckians.”

UK to study HB1’s effectiveness

CHFS has contracted with the University of Kentucky to evaluate the effectiveness of HB1. Over the next 12 months, university researchers will review KASPER statistics, surveying providers and other stakeholders, and measuring the impact of the legislation.

The goal of the study is to document an evaluation of the impact of the legislation on prescription drug abuse, to develop recommendations that will assist state officials and legislators to improve the effectiveness of the legislation and to mitigate identified unintentional consequences.

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