

State of Ohio Board of Pharmacy

OARRS Investigation Unit Early Intervention Program

Chad Garner, Director of OARRS



OARRS Investigative Unit

- ▶ Unit within the State of Ohio Board of Pharmacy Compliance Department
 - ▶ Compliance department investigates cases of violations of both administrative & criminal law
 - ▶ Traditionally, cases are complaint-initiated
 - ▶ OARRS Investigative Unit - cases initiated by OARRS analytics
- ▶ OARRS Enforcement Program
 - ▶ Performs criminal investigations
 - ▶ Primarily prescribers and/or pharmacies
- ▶ OARRS Early Intervention Program
 - ▶ Performs investigations in attempt to intervene prior to criminal prosecution
 - ▶ Primarily patients



OARRS Early Intervention (EI)

- ▶ The State of Ohio Board of Pharmacy **OARRS Early Intervention (EI)** program began in 2018 and is modeled after a similar pre-criminal intervention program in Nevada.
- ▶ Designed to use OARRS data to identify “doctor shoppers” and offer them assistance rather than charging them with a felony.
- ▶ OARRS Early Intervention is a DEFLECTION program, not to be confused with a court ordered diversion program.



OARRS EI – Criminal Law

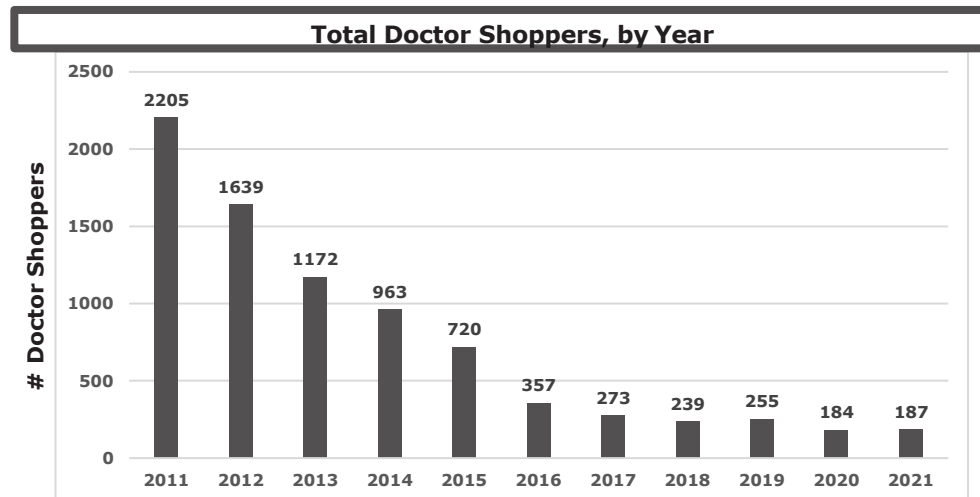
▶ **ORC 2925.22 – DECEPTION TO OBTAIN A DANGEROUS DRUG**

- ▶ “No person, by **deception**, shall procure the administration of, a prescription for, or the dispensing of, a dangerous drug...”
- ▶ ORC 2913.01(A) **Deception** – “knowingly deceiving another or causing another to be deceived by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act, or omission that creates, confirms, or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact.”



OARRS EI – Analytical Data

- ▶ Who “might” be violating the criminal statute
- ▶ Initially, we used a simple “doctor shopper” list. However,



OARRS EI – Analytical Data

- ▶ Over time, analytics became more complicated
- ▶ Additional considerations...
 - ▶ Increased time frame
 - ▶ Look for overlapping prescriptions within same drug class
 - ▶ Overlaps should be maintained for a period of time
 - ▶ Multiple overlaps
 - ▶ Exclude known provider practices and diagnosis codes that lend themselves to false positives



Ohio Narcotics Intelligence Center (ONIC)

- ▶ Performs Background Check
 - ▶ Eligibility – previous felonies exclude an individual from participation
 - ▶ Deconfliction & Agent Safety
 - ▶ Phone & Address
 - ▶ Social Media Posts
 - ▶ Licenses/Certifications



Deferred Prosecution Agreement (DPA)

- ▶ Agreement must be approved by the local prosecutor.
 - ▶ This has some challenges...
 - ▶ Each prosecutor wants their own language
 - ▶ Prosecutor must understand and agree to method of determining eligibility
 - ▶ Prosecutor must trust agent to identify individuals without reviewing each one
- ▶ Agreement states that the individual will not be charged with a crime related to their doctor shopping behavior if they agree to follow the parameters of the DPA.
- ▶ If EI has DPA approval in local jurisdiction, the identified candidate is given opportunity to sign a DPA



DPA Stipulations

- ▶ Report for a Drug/Alcohol/Mental Health assessment, then follow recommendations.
- ▶ Ideally, use 1 physician to obtain OARRS reportable drugs.
- ▶ Advise Agents of additional OARRS reportable drugs deemed necessary by a physician, and within 48 hours of emergency treatment.
- ▶ Notify all treatment providers of the DPA and provide a copy for their review.



Keys to a Successful OARRS EI Partnership

- ▶ EI must be run by the right agent(s).
- ▶ EI able to identify suspected “doctor shoppers”.
- ▶ EI able to obtain approval DPA from local prosecutor’s office.
- ▶ EI able to obtain agreement from local treatment providers (medical, addiction, and mental health) to provide assessments and follow up to assist participants.
- ▶ Participant must buy in.



Obstacles

- ▶ Incomplete ICD-10 Codes on Patient History Reports
- ▶ Due to increased OARRS usage, doctor shopping is more difficult to find
- ▶ ER's – 7 day rule
- ▶ Legitimate medical issues
- ▶ Gabapentin
- ▶ COVID & telemedicine
- ▶ Transient nature of “doctor shoppers”
- ▶ Individuals who have not yet hit “rock bottom”
- ▶ Getting buy-in from county prosecutors



OARRS EI County Participation

- ▶ Green = participating
 - ▶ Franklin (Columbus)
 - ▶ Cuyahoga (Cleveland)
 - ▶ Medina
 - ▶ Stark (Akron, Canton)
 - ▶ Mahoning
 - ▶ Lake
 - ▶ Clinton
 - ▶ Montgomery (Dayton)
 - ▶ Ross
 - ▶ Hancock
 - ▶ Clermont
 - ▶ Hamilton (Cincinnati)
 - ▶ Lucas (Toledo)
 - ▶ Licking
- ▶ Red = declined participation
 - ▶ Summit, Trumbull, Fayette
- ▶ Grey = no identified candidates

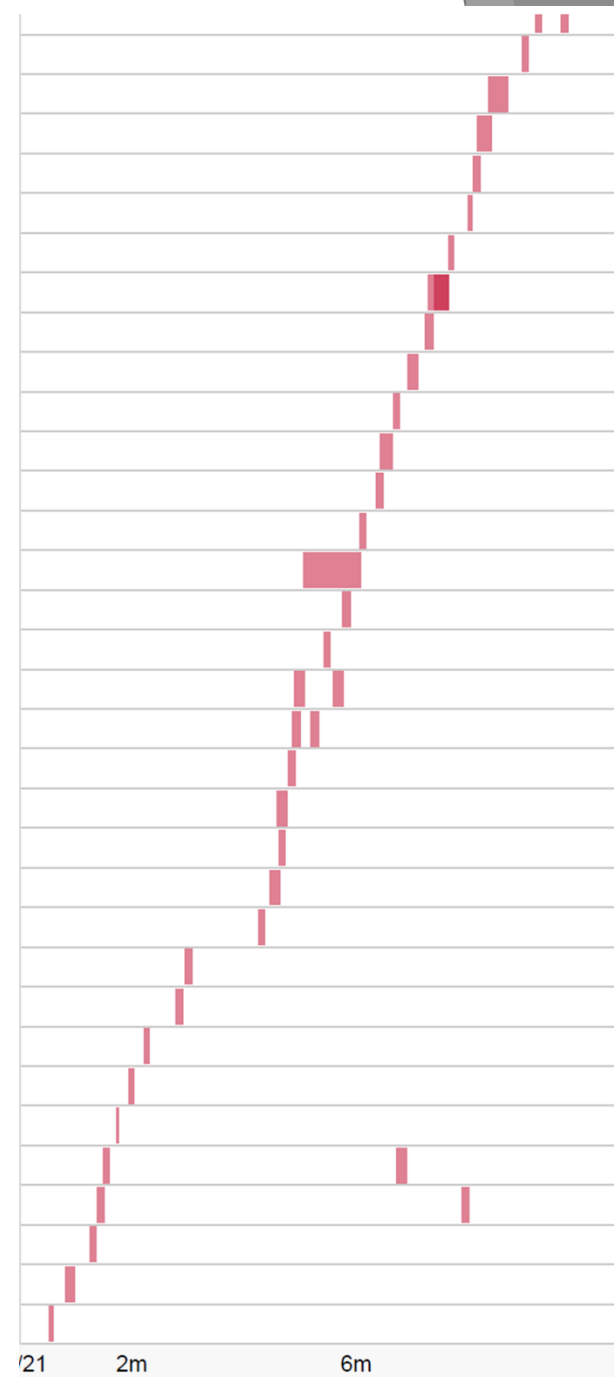


OARRS Early Intervention
■ Declined
■ Approved



OARRS EI Participant #1

- ▶ In 2 Years:
 - ▶ 61 Prescribers
 - ▶ 82 Prescriptions
 - ▶ 22 Pharmacies



OARRS EI Candidates – 3 categories

- ▶ Under agreement and being actively monitored
- ▶ Successfully completed the program
- ▶ Referred for criminal prosecution
 - ▶ Violated the DPA
 - ▶ Candidate refused participation
 - ▶ County prosecutor refused participation
 - ▶ Candidate otherwise ineligible



Criminal Prosecution - Example

 23 hrs · 🌐

7.5s for 9 🧑

 June 11 · 🌐

15s For 14 Unless You Doing A BUNDLE !!

 November 18 at 6:17 PM · 🌐

7.5s & 5s I Think My Doctor A Little High Himself 😂 (No I Don't Have Them Right Now Can't Fill Today So Don't Start Blowing Me Up)

 October 10 at 10:21 PM · 🌐

I Tell My Doctor How Much Perks I Need Ctfuuu & He LISTENS !! I Told Him I Need A Refill He Said " Thats Fine " 🤔🤔🤔🤔 Fucking Dumbass Dude Lmfaooo 😂😂😂🧑



OARRS EI Overall Statistics

- ▶ To date **139** cases opened
- ▶ **75** individuals have signed DPA
 - ▶ **44** successfully completed program
 - ▶ **10** actively being monitored
 - ▶ **11** referred for criminal prosecution (violated DPA)
- ▶ **36** cases referred to law enforcement in 2021-2022
- ▶ **4** individuals deceased prior to signing up/completing the program



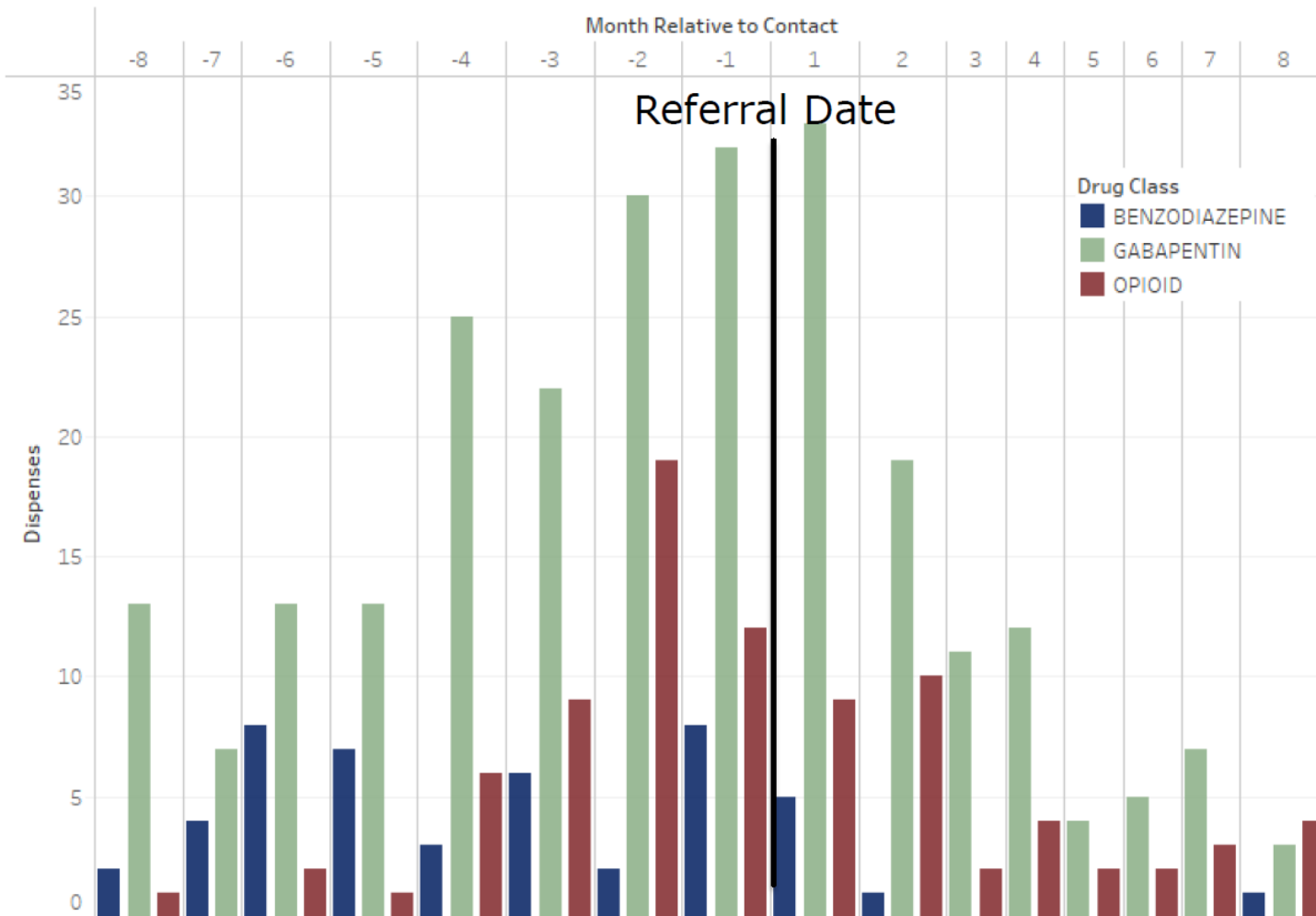
2021 EI Statistics (46 cases opened)

All Program Cases: # Dispenses by Drug



2021 EI Statistics (25 referred cases)

Referred Cases: # Dispenses by Drug



Testimonials

- ▶ “I know i am done with the program but i wanted to reach out to you and say thank you. I am feel very blessed that i met you even if i was a little embarrassed at first cause of the reasons but i am glad they do have that program because you really have helped me more then i think your job probably even really calls for you too because you care...So thanks for saving my life in a way cause i probably wouldnt be finally on the right track if i didnt meet you. You have always not only been kind to me but you never judged me before you knew my situation...idk if i be at the start of seeing a pain specialist and working towards a healthier life if i didnt meet you.”-M.D.
- ▶ “Thank you so much for your kind words and, more importantly, your support. This program works because of people like you who actually take time to make a connection.”- M.C.
- ▶ “I’m always grateful for the both of you.” –E.P., (now a registered STNA)

