PRESCRIPTION DATABASE AND THE DOPL DATABASE

SCOTT W. REED
ASSISTANT ATTORNEY GENERAL

OR . . .

SCOTT W. REED ASSISTANT ATTORNEY GENERAL

OR . . .

PAINTIER VINS. WE LOSE!

SCOTT W. REED ASSISTANT ATTORNEY GENERAL



OR . . .

THE STATE OF THE PROPERTY OF T

SCOTT W. REED
ASSISTANT ATTORNEY GENERAL

*SEE OUTDATED MICK JAGGER REFERENCE NEXT PAGE

MOTHER'S LITTLE HELDER 1966 MARKEORDS - 1966 MARKEORDS -

"Kids are different today, I hear ev'ry mother say

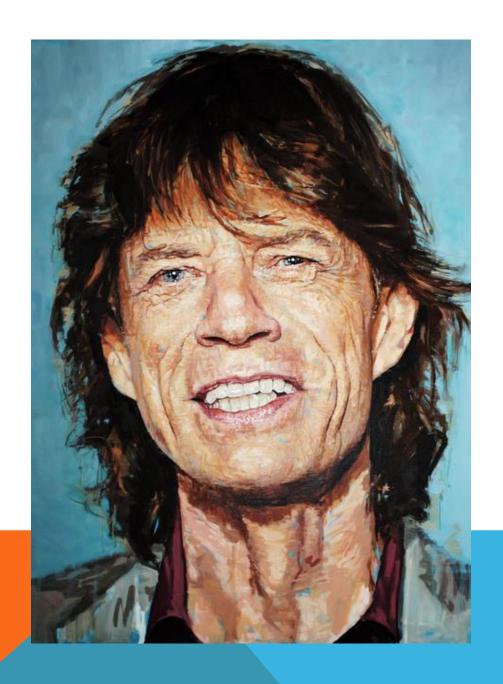
Mother needs something today to calm her down

And though she's not really ill, there's a little yellow pill

She goes running for the shelter of a mother's little helper

And it helps her on her way, gets her through her busy day . . ."





"... WHAT A DRAG IT IS GETTING OLD ..."

What is prescription drug abuse?

Prescription drug abuse₁ is the use of a medication without a prescription, in a way other than as prescribed, or for the experience or feelings elicited. According to several national surveys, prescription medications, such as those used to treat pain, attention deficit disorders, and anxiety, are being abused at a rate second only to marijuana among illicit drug users. The consequences of this abuse have been steadily worsening, reflected in increased treatment admissions, emergency room visits, and overdose deaths.

1 Prescription drug abuse, as defined in this report, is equivalent to the term "nonmedical use," used by many of the national surveys or data collection systems. This definition does not correspond to the definition of abuse/dependence listed in the Diagnostic and Statistical Manual of Mental Disorders, 4th edition (DSM-IV).

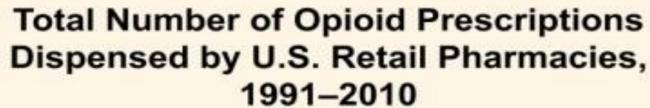
What are some of the commonly abused prescription drugs?

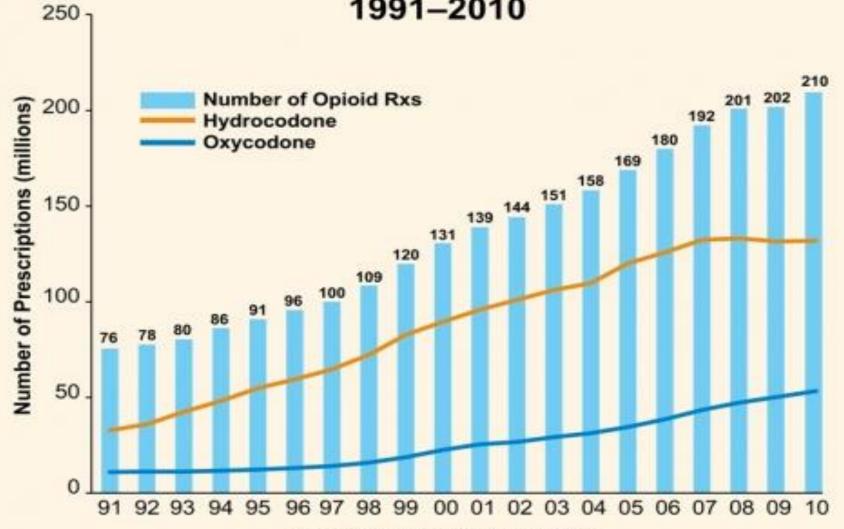
Although many medications can be abused, the following three classes are most commonly abused:

Opioids—usually prescribed to treat pain;

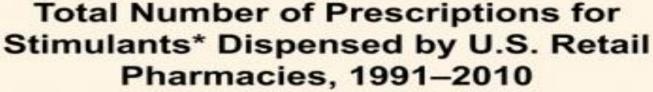
Central nervous system (CNS) depressants—used to treat anxiety and sleep disorders; and

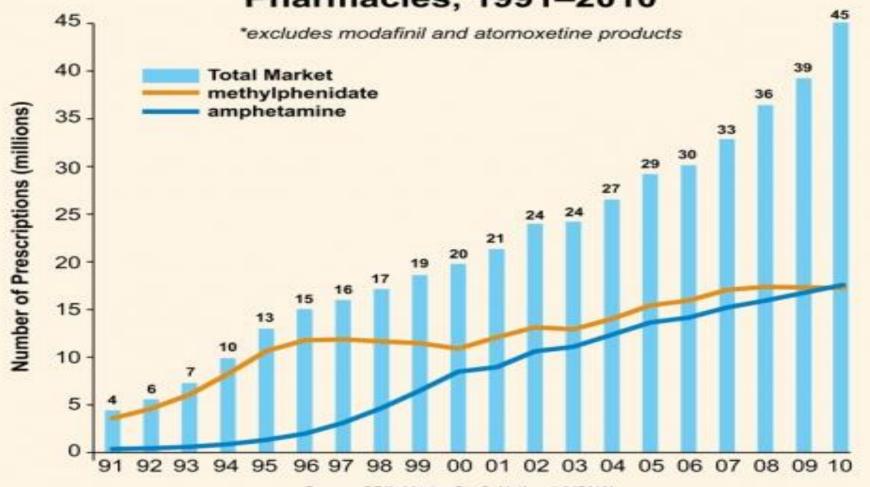
Stimulants—most often prescribed to treat attention deficit hyperactivity disorder (ADHD).





Source: SDI's Vector One®: National (VONA)





Source: SDI's Vector One®: National (VONA)

WHAT ARE OPIOIDS?

Opioids are medications that relieve pain. They reduce the intensity of pain signals reaching the brain and affect those brain areas controlling emotion, which diminishes the effects of a painful stimulus. Medications that fall within this class include hydrocodone (e.g., Vicodin), oxycodone (e.g., OxyContin, Percocet), morphine (e.g., Kadian, Avinza), codeine, and related drugs.

WHAT ARE CNS DEPRESSANTS?

CNS depressants, sometimes referred to as sedatives and tranquilizers, are substances that can slow brain activity. This property makes them useful for treating anxiety and sleep disorders. Among the medications commonly prescribed for these purposes are the following:

Benzodiazipines - the "am-fam"

Non-benzodiazipines sleep aids – Ambien, Lunesta

Barbiturates - the Baribital Sisters

EDITOR'S NOIE:

Am-Fam = Diazepam (Valium)
Alprazolam (Xanax)
Triazolam (Halcion)
Estazolam (ProSom)
Lorazepam (Ativan)

Barbital Sisters = Mepho-, Pheno-, and Pento-

WHAT ARE STIMULANTS?

As the name suggests, stimulants increase alertness, attention, and energy, as well as elevate blood pressure, heart rate, and respiration. Stimulants historically were used to treat asthma and other respiratory problems, obesity, neurological disorders, and a variety of other ailments. But as their potential for abuse and addiction became apparent, the medical use of stimulants began to wane.

HOW MANY PEOPLE ABUSE PRESCRIPTION DRUGS?

According to results from the 2010 National Survey on Drug Use and Health (NSDUH), an estimated 2.4 million Americans used prescription drugs nonmedically for the first time within the past year, which averages to approximately 6,600 initiates per day. More than one-half were females and about a third were aged 12 to 17. Although prescription drug abuse affects many Americans, certain populations, such as youth, older adults, and women, may be at particular risk.

SOLVHUU WBONL



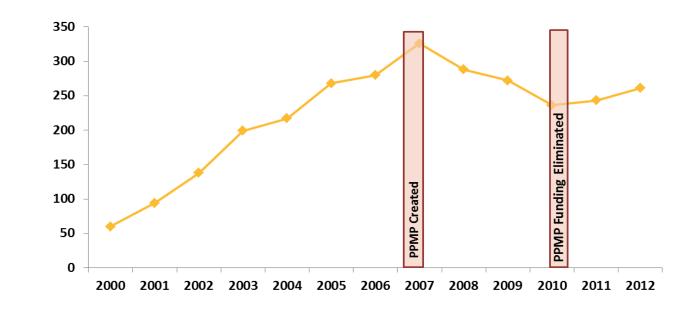
POISONING DEATHS IN UTAH - 2006-2012

Year Poisoning Deaths Drug Deaths Medication Deaths Residents 18+ 18+ 95% Confidence Inter	Year
2006 416 308 280 274 15.8 (14.0 - 17.8)	
2007 478 371 326 313 17.6 (15.7 - 19.6)	2007
2008 430 321 288 278 15.2 (13.5 - 17.1)	2008
2009 420 306 272 269 14.4 (12.7 - 16.2)	2009
2010 369 278 236 227 11.9 (10.4 - 13.6)	2010
2011 444 306 243 233 12.0 (10.5 - 13.7)	2011
2012 502 323 261 250 12.7 (11.2 - 14.4)	2012

*Occurrent deaths include individuals who were fatally injured in Utah, whether or not they were a resident of Utah.

OPIOID DEATHS 2000-2012

	Accidental /						
	Undetermined						
Year	Rx Opioids						
2000	60						
2001	94						
2002	138						
2003	199						
2004	217						
2005	268						
2006	280						
2007	326						
2008	288						
2009	272						
2010	236						
2011	243						
2012	261						
Data Sources:							
Prescription Pain							



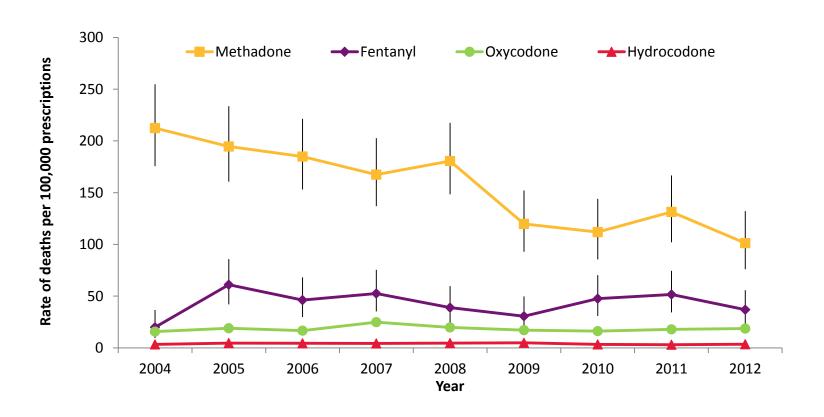
Year

UTAH 2012 OPIOIDS DEATHS

2012

			60%]							
Opioid	Other Drugs Involved Indi	cated Drug Only	50% -							
Oxycodone	52.8%	12.4%	40% -						■ Indicated	Drug Only
Methadone	21.6%	6.8%	30% -						Other Dru	igs Involved
Hydrocodone	18.0%	1.6%	20% -							
Fentanyl	8.8%	2.8%	2070							
Tramadol	10.0%	1.6%	10% -							
Morphine	4.8%	1.2%	0%							
Codeine	2.0%	0.0%	04	Hogo	Nethad.	HAGOCO	Fentany	Tramadol	Morphine	codeine

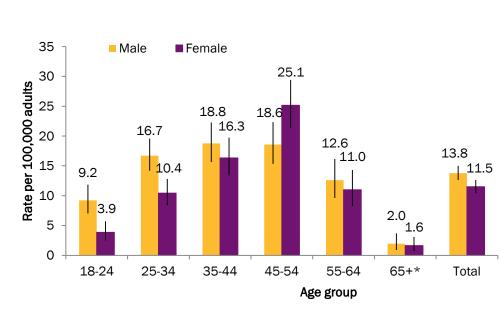
RATE OF DEATH PER 100,000 RX



NUMBER OF PRESCRIPTION PAIN MEDICATION DEATHS PER 100,000 ADULTS BY SEX, UTAH, 2009-2012

	Female	Rate	LCI	UCI	(-) part	(+) part	CV
18-24	25	3.9	2.5	5.7	1.4	1.8	0.200
25-34	91	10.4	8.4	12.8	2.0	2.4	0.105
35-44	108	16.3	13.4	19.7	2.9	3.4	0.096
45-54	155	25.1	21.3	29.4	3.8	4.3	0.080
55-64	55	11.0	8.3	14.3	2.7	3.3	0.135
65+*	9	1.6	0.7	3.1	0.9	1.5	0.333
Total	443	11.5	10.4	12.6	1.0	1.1	0.048

Male		Rate	LCI	UCI	(-) part	(+) part	CV
	60	9.2	7.0	11.8	2.2	2.6	0.129
	153	16.7	14.2	19.6	2.5	2.9	0.081
	129	18.8	15.7	22.3	3.1	3.5	0.088
	114	18.6	15.3	22.3	3.3	3.7	0.094
	61	12.6	9.6	16.2	3.0	3.6	0.128
	9	2.0	0.9	3.7	1.1	1.8	0.333
	526	13.8	12.6	15.0	1.2	1.2	0.044



Location of Injury

The majority of adult prescription pain medication deaths occurred at a residence (93.0%). The second most common location was a hotel or motel (2.4%).2

The following Utah Small Areas had significantly higher prescription pain medication death rates compared to the state (12.8 per 100,000 adults):

- Carbon/Emery Counties (37.8 per 100,000 adults)
- South Salt Lake (34.8 per 100,000 adults)
- Downtown Ogden (29.6 per 100,000 adults)

PRESCRIPTION OPIOID DEATH CIRCUMSTANCES

Top 5 circumstances observed in pain medication deaths 2009-2012:

73.1% substance abuse problem

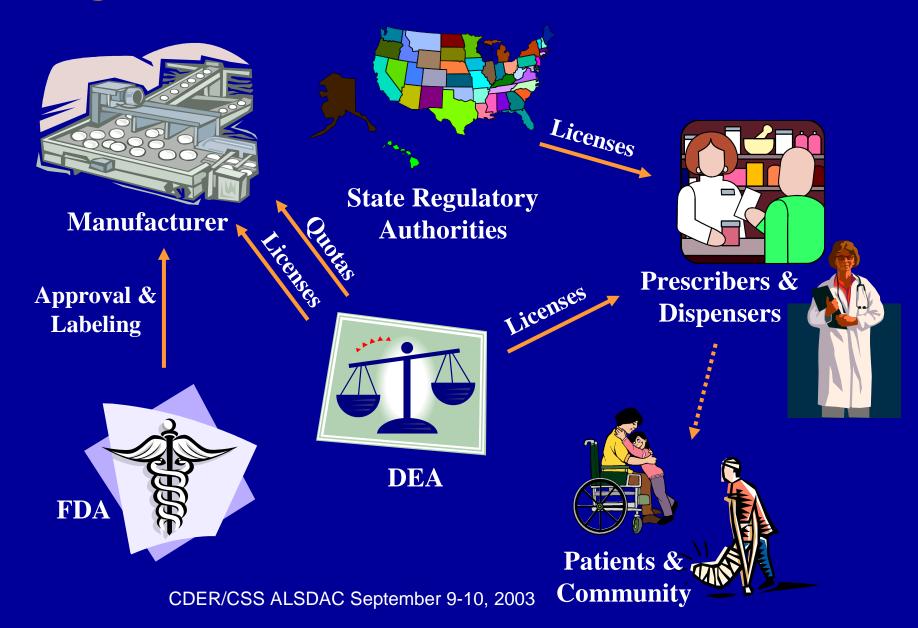
67.7% physical health problem

65.5% current mental health problem

19.4% alcohol dependence/problem

12.7% history of suicide attempts

Regulation of Controlled Substances





STREET PRICES





















\$20 - \$80

Hydrocodone

\$3 - \$7

MS Contin©

\$3 - \$12

Percocet©

\$8 - \$15

Oilaudid

\$20 - \$40

Alprazolam

\$3 - \$7

Hydromorphone

\$8 - \$15

Lortab©

\$5 - \$9

Crack

\$5 - \$10

Soma©

\$2 - \$4

Methadone

\$12 - \$20

\$10 - \$20

Xanax©

\$3 - \$7

Heroin Oxycodone

\$5 - \$8

Diazepam

\$1 - \$2

MSIR©

\$8 - \$12

Valium©

\$2 - \$4

The Utah Controlled Substance Database was created by SB 42 in 1995. At the time, it was only the second statewide database in the country that collected prescribing information on all Schedule II – V controlled substances. Initial access to database was made by written request and manual query. In 2010, the system became fully digital, with electronic internet access for direct query by Doctors, Pharmacists and Law Enforcement. That same year, any professional licensed to prescribe controlled substances was required to register with DOPL (UCA 58-37f-401) and submit to training on use of system.

The system now has real-time capabilities, and DOPL has an ongoing MOU with surrounding states through the National Association of Pharmacy Boards to access those state databases as well. Policy decision has not been made whether Law Enforcement will be able to access multiple state databases through a single DOPL query in the future.

As of 8/6/14:

Number of registered physicians = 15,645

Number of registered pharmacists = 2,067

Number of registered law enforcement = 912





PURPOSE: A resource to aid in the Prevention, Enforcement, and Treatment of prescription controlled substance diversion and misuse.





INTERNET ACCESS



URL: http://csd.utah.gov







UTAH'S CONTROLLED SUBSTANCE DATABASE PROGRAM (CSDB) REQUIRED FIELDS





















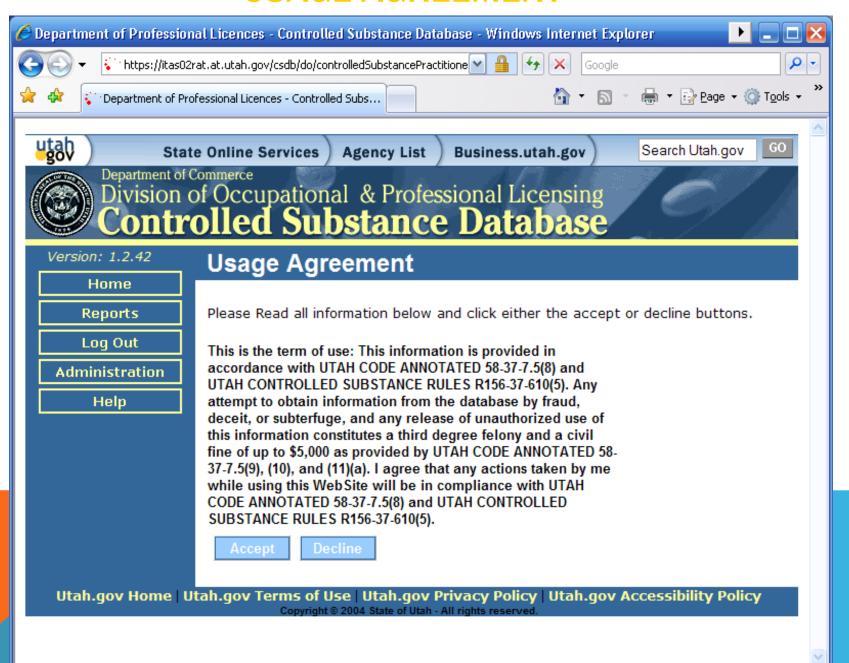


- Pharmacy ID # (NCPDP#)
- **Customer ID Number**
- Birth Date
- Sex Code
- Date Filled
- Rx Number
- New-Refill Code
- Metric Quantity
- Days Supply

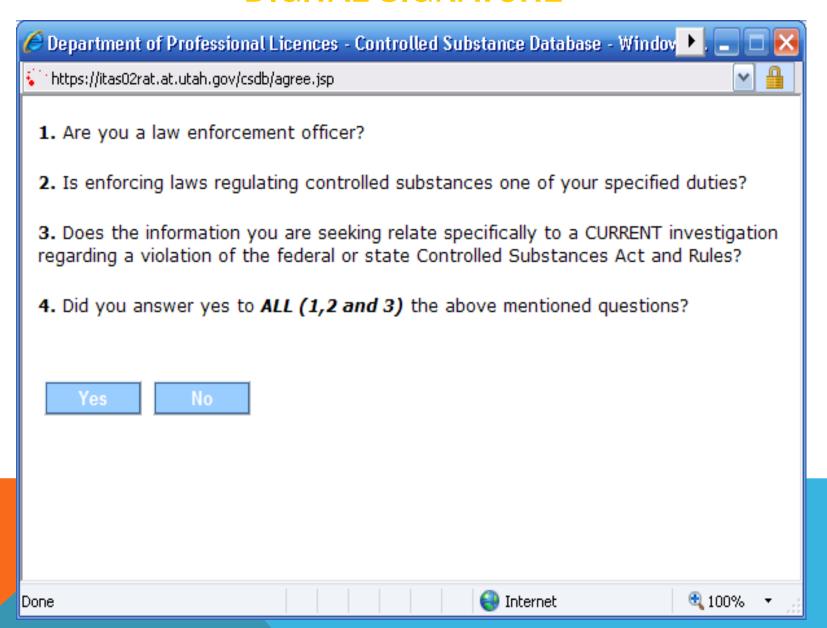
- NDC Number
- ✓ Prescriber-Id # (DEA)
- Date Written
- Number of Refills
- Last Name
- First Name
- Address
- State Abbreviation
- 🖊 Zip Code Extended

UCA § 58-37f-203(2)

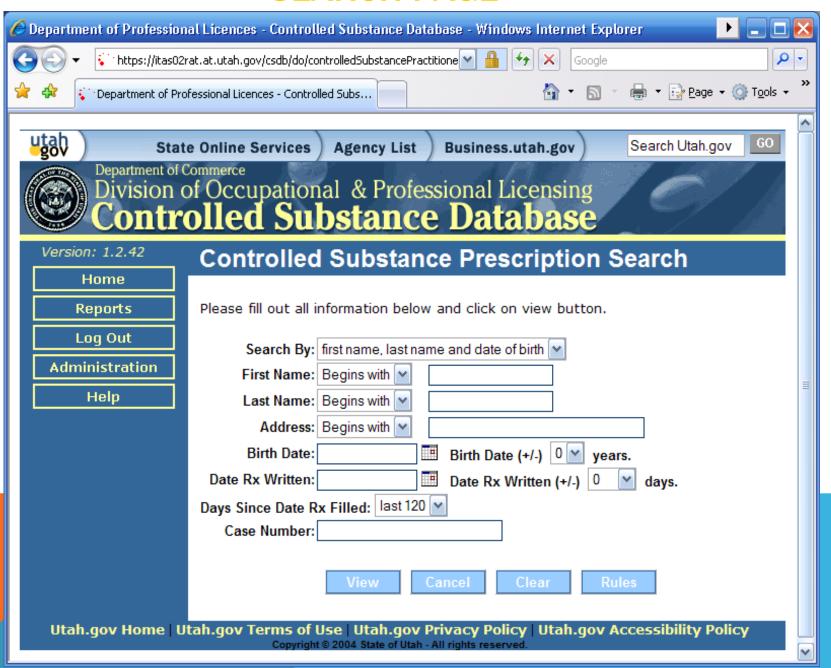
USAGE AGREEMENT



DIGITAL SIGNATURE



SEARCH PAGE





PENALTY FOR MISUSING CSDB INFO



A person may not knowingly and intentionally use, release, publish, or otherwise make available to any other person or entity any information obtained from the database for any purpose other than those specified...Each separate violation...is a third degree felony and is subject to a civil penalty not to exceed \$5,000.

§ 58-37f-601



WHIE FURNISHE OF DESP

RECENT EVENTS AND CURRENT CHALLENGES

STATE OF UTAH
PLAINTIFF
V.
BEN MARLAND MURRAY
DEFENDANT



"QUIS CUSTODIET IPSOS CUSTODES?"

("WHO WILL WATCH THE WATCHMEN?")

In summer of 2011, Ben Marland Murray was a 12+ year veteran of Vernal City Police Department. Well-known and well-liked on the force and in the community, Murray used active VPD case numbers (which were not drug cases) to query the UCSD on local residents he knew to be regularly prescribed high volumes of opioids. Upon finding locals who had recently "re-upped", Murray would visit their residence while on duty (sometimes in uniform, sometimes not) and upon entry would demand residents produce all their prescription medication so he could conduct "a routine pill check" (??????)

During the "pill check", Murray would clandestinely pocket several of the opioid pills that were submitted and then admonish the resident to use the medications carefully and "only as directed". Following several of these visits, Vernal residents Candy Holmes and Russell Smithe became concerned when they inventoried their supplies and found drugs missing. They set up a hidden video camera which recorded a subsequent "pill check" by Murray, who was apparently the only VPD officer engaged in this particular investigative technique, and turned the video over to their lawyer. Attorney submits video to AG Investigations, who in turn set up a sting operation of their own, and arrest Murray for burglary, theft and POCS on August 11, 2011. Murray resigns from Vernal PD the next day.

Simultaneous to these events, Murray discovers his wife is having an affair, files for divorce, suffers a devastating house fire which destroys the family residence, loses his POST certification, and gets sued by Holmes and Smithe in Federal District Court. Not a good year.

Murray is charged with two Third Degree felonies. He pleads guilty to two Class Misdemeanors, finds work in the oil field, and ultimately completes his one year probation and has the convictions reduced to Bs. Drug evaluation and SASSI show no signs of opioid dependence.

Murray quietly settles out of the federal lawsuit. On motions for summary judgment, Federal District Court Judge Ted Stewart dismissed all claims against the State of Utah and Vernal City. As part of the court's findings in its Order granting judgment to Vernal City on June 13, 2014, the court states "Plaintiffs have cited to no evidence that there were any other incidents where a Vernal City officer used the Database improperly."

STATE OF UTAH,
PLAINTIFF
V.
MARLON DON JONES

CASE NO. 131904471 HON. JAMES BLANCH

STATE OF UTAH,
PLAINTIFF
V.
RYAN DOUGLAS PYLE,
DEFENDANT
CASE NO. 131910379

HON. VERNICE TREASE

IT IS ALLEGEDLY ALLEGED, HYPOTHETICALLY SPEAKING, THAT ON OR ABOUT APRIL 2013, THE FOLLOWING FACTS MAY OR MAY NOT HAVE OCCURRED:

SALT LAKE COUNTY UNIFIED FIRE ASSOCIATION (UFA) DISCOVERS THAT MEDICATIONS INCLUDING MORPHINE HAVE BEEN REMOVED FROM FIRE STATION 114 AND 113, AND THE AMPULES USED TO HOLD THE MORPHINE HAVE BEEN FILLED WITH SALINE SOLUTION. UFA REFERS FOR CRIMINAL INVESTIGATION, WHICH PRELIMINARILY DETERMINES THAT THE SUSPECT POOL IS RATHER LARGE – LIKE ABOUT 480 CURRENT UFA EMPLOYEES WHO HAVE ACCESS TO MEDS AT 114 AND 113. SO WHAT WOULD AN INTREPID NARCOTICS INVESTIGATOR DO, BUT RUN ALL 480 NAMES THROUGH THE UCSD TO SEE WHAT SHAKES?

IT IS ALLEGEDLY ALLEGED, HYPOTHETICALLY SPEAKING, THAT ON OR ABOUT APRIL 2013, THE FOLLOWING FACTS MAY OR MAY NOT HAVE OCCURRED:

WHILE A SUSPECT FOR THE THEFT HAS NOT BEEN IDENTIFIED, DEFENDANTS JONES AND PYLE HAVE BEEN CHARGED WITH PRESCRIPTION FRAUD, THIRD DEGREE FELONY AND PLACED ON ADMINISTRATIVE LEAVE. BOTH DEFENDANTS FILED MOTIONS TO SUPPRESS THE DATABASE SEARCH AND DERIVATIVE EVIDENCE OBTAINED AS A RESULT, CLAIMING THE DATABASE QUERY VIOLATED THE FEDERAL AND STATE CONSTITUTION. BOTH COURTS DENIED THE MOTION, SIDESTEPPING THE CONSTITUTIONAL QUESTIONS AND RULING THAT EVEN IF A VIOLATION OCCURRED, THE "GOOD FAITH EXCEPTION" TO THE **EXCLUSIONARY RULE WOULD ALLOW ADMISSION OF THE EVIDENCE.** JUDGE TREASE ALSO RULED THAT THE STATE CONSTITUTIONAL QUESTION HAD NOT BEEN ADEQUATELY BRIEFED. HER RULING IS BASED UPON FEDERAL LAW. (SEE GENERALLY ILLINOIS V. KRULL, 480 US 340(1987).

Let's pause for a moment and pay a visit to scott w. Reed's personal bucket list:

- √ Wrestle a bear
- √ Meet the President
- $\sqrt{\text{Catch four different variety of trout in one}}$ stream in one day
- √Have picture in the Wall Street Freakin' Journal (page 3)



Police Access to Prescription-Drug Records Gets Tougher

Courts, Legislators Begin to Restrict Warrantless Access to Users' Records

May 7, 2014 (Page 3)



"It becomes another version of the chicken and the egg," said Mr. Reed, who helped draft the law that created the database in 1995. "If I need probable cause to get into the database, then I can't get into the database, and if I can't get into the database, then I can't show probable cause."



EDITOR'S NOTE NUMBER TWO:

W Xen You are Quoted in an article in a national publication, <u>Do not</u> read the comment section of the online yersion.





Daniel Palmer May 7, 2014

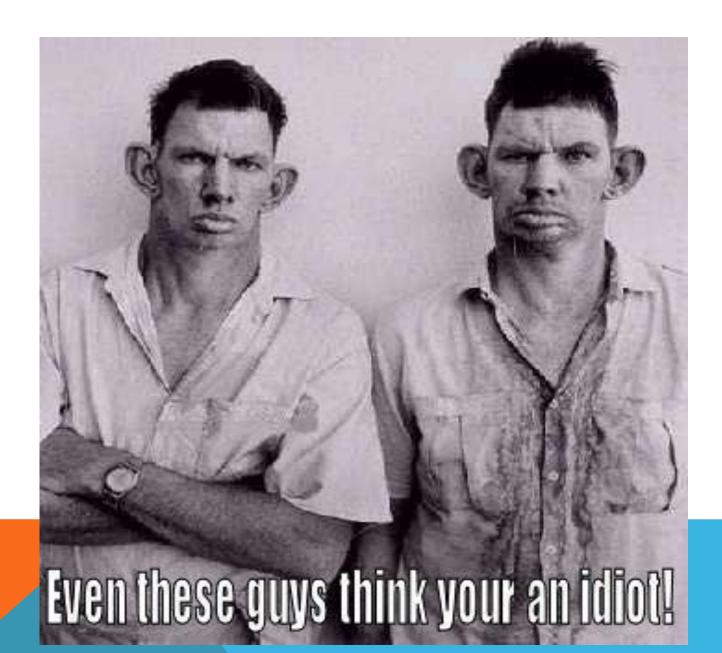


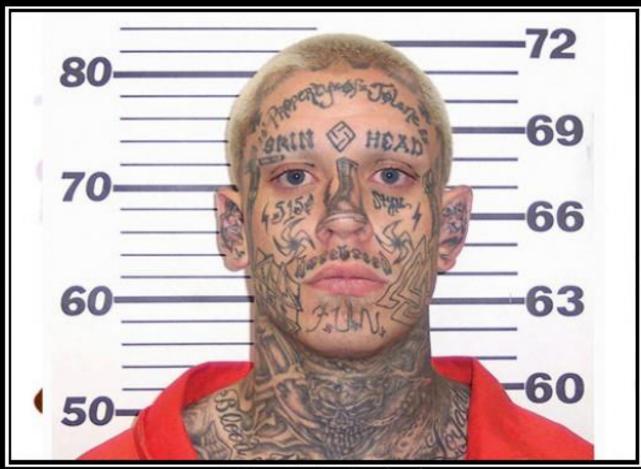
"It becomes another version of the chicken and the egg," said Mr. Reed, who helped draft the law that created the database in 1995. "If I need probable cause to get into the database, then I can't get into the database, and if I can't get into the database, then I can't show probable cause."

What? Bullsh**. You could make that same ridicuous argument about anything that requires a warrant. If you have something that provides reasonable suspicion that someone is violating drug laws then share it with a judge and see if they agree. Otherwise law enforcement has no business prying around into someones personal prescription drug history.



IDIOTS We all know one.



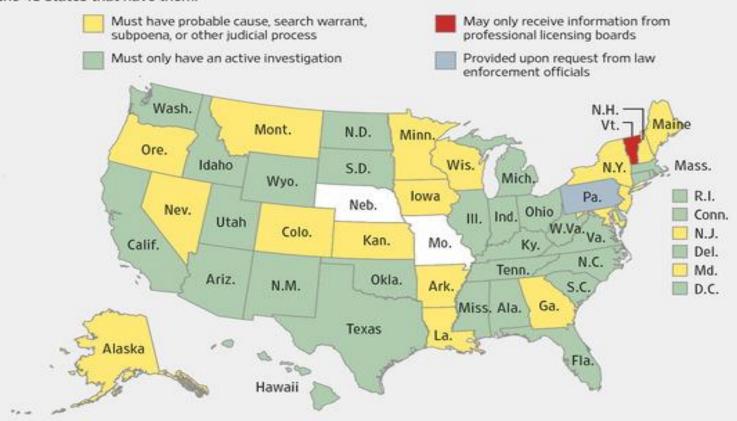


IDIOT

Can there be ANY doubt in court what the answer will be to:
"Can you identify the man who assaulted you?"

Limited Access

Rules governing investigators' access to prescription-drug databases in the 48 states that have them.



Note: In Pennsylvania, law-enforcement requests must be approved by the Office of the Attorney General. Law-enforcement officials don't have direct access. In Alabama, officers must make a declaration that probable cause exists, but there is no judicial process involved.

Source: The National Alliance for Model State Drug Laws

The Wall Street Journal

DRUG TRAFFICIALING M.SH KHUWH AS . HACTOR TRICKING HREADIZATION C. ORGANIZATION'S TO BE CONFUSED WITH BIRLY

RACIAN PURINCE.



WHILE THE TERM "DIVERSION" MEANS SOMETHING TOTALLY DIFFERENT TO UTAH PROSECUTORS, NATIONALLY, DRUG DIVERSION REFERS TO THE RECREATIONAL/ILLICIT USE OF PRESCRIPTION CONTROLLED SUBSTANCES, WHICH ARE "DIVERTED" OUT OF THE LEGITIMATE STREAM OF COMMERCE AND PROVIDED TO AN EXPANDING GRAY MARKET AND BLACK MARKET CLIENTELE.

SINCE THESE DRUGS ARE MANUFACTURED PRINCIPALLY IN THE UNITED STATES, THE DRUG TRAFFICKING ORGANIZATION WHICH DEAL IN BLACK MARKET PRESCRIPTION CONTROLLED SUBSTANCES – OPIOIDS, STIMULANTS, AND CNS DEPRESSANTS – HAVE A VARIETY OF DISTRIBUTION METHODS READILY AVAILABLE.

DEA and Police Raid Pharmacy Suspected of Drug Trafficking Involvement

Owensboro KY 08/21/2014 01:29 PM

Owensboro Police, DEA and Kentucky State Police execute multiple search warrants related to what they say is a drug trafficking operation in Owensboro.

Authorities say the investigation has been going on for four months.

An administrative inspection warrant was executed at Don and Daisy's Pharmacy Plus Thursday afternoon.

The three agencies received information that prescription medication was being taken out the pharmacy to be distributed illegally.

Police say at this time the pharmacy owners and pharmacists are not involved in the investigation. They say they are investigating an employee at the pharmacy.

Two search warrants were also executed at homes on Windsor Avenue.

The DEA says empty hydrocodone pill containers were found at one of the homes.

Officials say the pill bottles were ordered from Don and Daisy's and supplied by the pharmacy's distributor.



OHIO DOCTOR ARRESTED FOR PRESCRIPTION DRUG TRAFFICKING SATURDAY, AUGUST 16, 2014 12:25 PM EDT

Tiltonsville, OH (FOX19) - An Ohio doctor was arrested Friday after an investigation was launched in regard to his prescribing of controlled substances.

An investigation against 43-year-old Douglas Trubiano, DO, was started after receiving a complaint that he was prescribing large quantities of controlled substances to female patients. The investigation was conducted by the Jefferson County Drug Task Force. He was charged with one count of trafficking in drugs. A search warrant allowed seizure of medical records and a computer at his office in Tiltonsville, Oh.

The investigation is still ongoing.

Anyone with information about this crime is asked to call the Ohio State Board of Pharmacy at 614-466-4143 or the Jefferson County Drug Task Force at 740-346-0908. Copyright 2014 WXIX. All rights reserved.

FedEx charged with trafficking drugs for online pharmacies

3:54 a.m. PDT July 18, 2014

FedEx is facing drug-trafficking charges after a federal grand jury in San Francisco indicted the overnight shipping company, accusing it of conspiring to deliver prescription drugs for illegal Internet pharmacies.

The indictment says FedEx knew for a decade that such pharmacies used their services. FedEx took steps to protect its business by setting up special credit policies for Internet pharmacies so it wouldn't lose money if police shut the sites down, the indictment says. FedEx ignored nearly a decade of warnings from the Drug Enforcement Administration, the Food and Drug Administration and members of Congress, the indictment says.

FedEx knew that it was delivering drugs to dealers and addicts, the Justice Department said in a press release.

Federal prosecutors have summoned FedEx to federal court in San Francisco for a hearing

July 29.



Salt Lake judge arrested for distributing Oxycodone, police say April 1st, 2013 @ 10:40pm

SALT LAKE CITY — A Salt Lake City Justice Court Judge has been arrested and placed on administrative leave following an investigation by the DEA. Virginia Bauskett Ward, 45, was arrested over the weekend for investigation of drug possession.

"She will be charged by the Utah Attorney General's Office with a distribution count," said Frank Smith, assistant special agent in charge for the Rocky Mountain Region of the Drug Enforcement Administration.

Ward was booked into the Salt Lake County Jail about 9 p.m. Saturday, according to jail records. The jail's log indicated she was booked into jail by the DEA for possession of "synthetic narcotics."





103 people charged in three-county drug-trafficking probe

July 11, 2012 | By Kevin P. Connolly, Orlando Sentinel

PRESCRIPTION DRUG-TRAFFICKING SENTENCES ANNOUNCED Denver, Co 1/31/14

Pharmacy technician charged with prescription drug trafficking

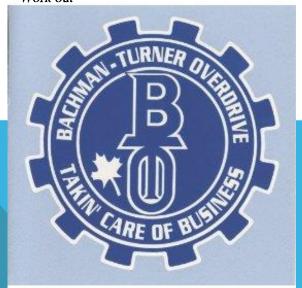
Charlottetown, Prince Edward Island Published on May 27, 2013

12 People Indicted In Prescription Drug Trafficking Operation

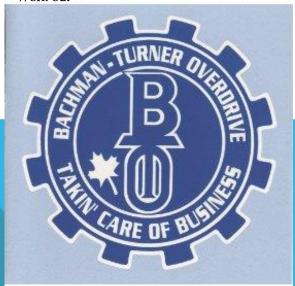
Mount Vernon, Ohio April 22, 2014

35 people indicted for marijuana, prescription drug trafficking
Spartanburg, SC

Taking care of business (every day)
Taking care of business (every way)
I've been taking care of business (it's all mine)
Taking care of business and working overtime
Work out



Taking care of business (every day)
Taking care of business (every way)
I've been taking care of business (it's all mine)
Taking care of business and working overtime
Work out





Taking care of business (every day)
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Work out







Taking care of business (every day)
Taking care of business (every way)
I've been taking care of business (it's all mine)
Taking care of business and working overtime
Work out

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CARE OF B









Taking care of business (every day)
Taking care of business (every way)
I've been taking care of business (it's all mine)
Taking care of business and working overtime
Work out

And I'll be









If you ever get annoyed
Look at me I'm self-employed
I love to work at nothing all day
And I'll be

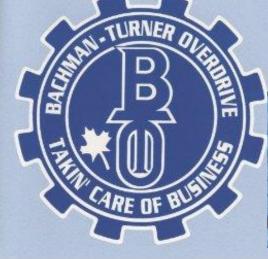
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Taking care of business and working overtime

Work out











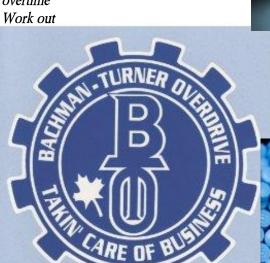


If you ever get annoyed Look at me I'm self-employed I love to work at nothing all day And I'll be

Taking care of business (every day) Taking care of business (every way) I've been taking care of business (it's all mine)

Taking care of business and working overtime











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Taking care of business (every day)
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Taking care of business and working

Taking care of business and working overtime











If you ever get annoyed Look at me I'm self-employed I love to work at nothing all day And I'll be

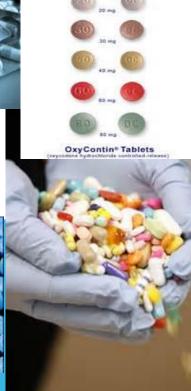
Taking care of business (every day) Taking care of business (every way) I've been taking care of business (it's all mine)

Taking care of business and working overtime

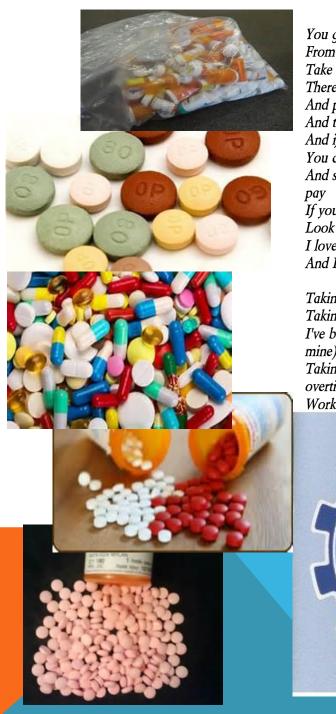












If you ever get annoyed Look at me I'm self-employed I love to work at nothing all day And I'll be

Taking care of business (every day) Taking care of business (every way) I've been taking care of business (it's all mine)

Taking care of business and working overtime



OxyContin® Tablets





TAKIN' CARE OF BUSINESS

