



Colorado Society of Addiction Medicine

A Chapter of American Society of Addiction Medicine

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April 27, 2022

Ronne Hines
Director, Division of Professions & Occupations
Colorado Department of Regulatory Agencies (DORA)
1560 Broadway, Suite 1350
Denver, CO 80202

Re: COSAM's Opposition to Allowing Law Enforcement Access to PDMPs Without Court Approval

Dear Director Hines:

On behalf of the Colorado Society of Addiction Medicine (COSAM), the medical specialty society representing physicians and clinicians in Colorado specializing in the prevention and treatment of addiction, thank you for the opportunity to comment on significant changes that the Division is considering for the Colorado Prescription Drug Monitoring Program (PDMP). This letter will focus on the proposal to allow law enforcement access to state PDMP data without explicit court orders. We are strongly opposed to this change because we fear that it would compromise privacy and negatively impact our patient population.

PDMPs are established for prescribers and dispensers of controlled substances to access certain patient information in order to deliver more informed care. For addiction specialist physicians and clinicians, information from PDMPs is a useful tool to assess previously dispensed controlled medications. Additionally, some research suggests that robust state PDMPs are associated with reductions in prescription opioid overdose.ⁱ

However, we are concerned that allowing law enforcement access to all prescription medication data without existing checks may disadvantage our patients. The current system, which requires review from third-party officials, establishes outside checks to protect privacy and prevent abuse. This aligns with recommendations from the American Society of Addiction Medicine (ASAM). ASAM recommends that "State PDMP data should be accessible only for clinical treatment and/or evaluation (including consultations by clinicians who are not treating the patient) and for public health purposes by authorized clinicians and researchers, including for ongoing public health analysis."ⁱⁱ ASAM guidance also states: "**On a case-by-case basis, law enforcement officials can be allowed access to PDMP data through subpoena and within a tightly regulated process.**"ⁱⁱⁱ This is the proper standard to adequately protect patient privacy and ensure that data from PDMPs is used for the intended purposes.

As addiction medicine specialists, we serve a patient population that is particularly vulnerable to adverse interactions with the criminal-legal system. We suspect that many of our patients would be uncomfortable to learn that law enforcement officials could have unrestricted access to their prescription records. It may even cause some patients to stop seeking treatment entirely. At a

time when only about 20% of Americans aged 12 and over receive treatment for substance use disorder,^{iv} we cannot afford to negatively bias treatment even in the slightest. **Instead, we must maintain the current system which allows law enforcement access to PDMP information on a case-by-case basis.**

We greatly appreciate the opportunity to comment on this important issue. If you have any questions or would like to discuss these concerns further, please do not hesitate to contact me at Joshua.Blum@dhha.org. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Josh Blum". The signature is written in a cursive, slightly slanted style.

Joshua Blum, MD, FASAM
President, Colorado Society of Addiction Medicine

ⁱ Pardo, B. (2017). Do more robust prescription drug monitoring programs reduce prescription opioid overdose? *Addiction*, 112(10), 1773–1783. <https://doi.org/10.1111/add.13741>

ⁱⁱ American Society of Addiction Medicine. (2018). Prescription Drug Monitoring Programs (PDMPs). [asam.org. https://www.asam.org/advocacy/public-policy-statements/details/public-policy-statements/2021/08/09/prescription-drug-monitoring-programs-\(pdmps\)](https://www.asam.org/advocacy/public-policy-statements/details/public-policy-statements/2021/08/09/prescription-drug-monitoring-programs-(pdmps))

ⁱⁱⁱ American Society of Addiction Medicine. (2018). Prescription Drug Monitoring Programs (PDMPs). [asam.org. https://www.asam.org/advocacy/public-policy-statements/details/public-policy-statements/2021/08/09/prescription-drug-monitoring-programs-\(pdmps\)](https://www.asam.org/advocacy/public-policy-statements/details/public-policy-statements/2021/08/09/prescription-drug-monitoring-programs-(pdmps))

^{iv} Substance Abuse and Mental Health Services Administration. (2020). Key substance use and mental health indicators in the United States: Results from the 2019 National Survey on Drug Use and Health (HHS Publication No. PEP20-07-01-001, NSDUH Series H-55). Rockville, MD: Center for Behavioral Health Statistics and Quality, Substance Abuse and Mental Health Services Administration. Retrieved from <https://www.samhsa.gov/data/>