



Questions and Answers

UPDATED: June 5, 2009

Q: What is the current status of the Department of Health Professions data breach?

A: On April 30, 2009, the Virginia Department of Health Professions (DHP) became aware that the Prescription Monitoring Program (PMP) computer system had been accessed by an unauthorized user. The investigation to determine the extent of any data compromise and to identify the individual involved continues to be pursued aggressively by federal and state law enforcement. All PMP data was properly backed up and all back-ups have been secured. There is no evidence that systems beyond the PMP were involved.

A complete security assessment and testing of all DHP systems has been conducted. As individual systems were determined to be safe and secure by the Virginia Information Technology Agency (VITA) and law enforcement, they were brought back online. The DHP website is available for use by the public. The public may safely access License Lookup, Physician's Profile, and Renew Online.

Q: What is being done to protect patient information stored on the PMP database?

A: The state's computer security experts and network engineers are putting in place a number of advanced measures to prevent incursions, including new firewalls, reconfiguring the network, and conducting vulnerability assessments of the agency's systems.

The system does not contain patient medical histories; it is not a medical record system nor is it tied to a medical records system. Information included in the database is limited to prescription information for covered substances only.

In the past, the use of a personal identification number, including a Social Security number has been an optional data element. A minority of prescription records in the PMP database may contain Social Security numbers. To protect against potential compromise in the future, the agency is taking steps to delete all personal identification numbers, including Social Security numbers, from the PMP database and will not accept this information as additional entries in the future.

The PMP system continues to be evaluated by federal and state authorities. . The PMP system will not be accessible to registered users until all security issues have been fully resolved and the system has been cleared by Virginia Information Technology Agency (VITA) and law enforcement.

Q: What notification actions has DHP taken?

A: General public notification has been made via state-wide news releases and by posting information on the DHP website, www.dhp.virginia.gov.

Pharmacies and pharmacists have been notified of the incident and have been provided with suggestions when dispensing prescriptions for controlled substances. “Best practices for Detering Prescription Fraud” also is posted on the DHP website, www.dhp.virginia.gov

The PMP database has been examined to identify individuals whose Social Security numbers may be in the system. For the majority of persons in the database Social Security numbers were not recorded.

Additional individual notifications are being sent to all persons whose prescription records contained nine-digit numbers that could be Social Security numbers to alert them of potential exposure and to advise them of precautionary steps they may take.

All registered users of the program who may have provided Social Security numbers when they registered for the PMP also are being sent individual notifications.

Q: Why did I get a notification letter?

A: While the investigation has yet to determine what, if any, personal information in the PMP database is at risk, DHP is sending, as a precautionary measure, a letter to all persons whose prescription records in the PMP contain a nine-digit number that could be a Social Security number.

Q: Why didn't I get a notification letter?

A: If you do not have a prescription record in the PMP, you will not be sent a notification letter.

If you do have a prescription record in the PMP and it did not contain a nine-digit number that could be a Social Security number, you will not be sent a letter.

Q: To what address was the notification letter sent?

A: The most recent address in the PMP system as provided by your pharmacy was used for the mailing. Any forwarding will be handled by the United States Postal Service in accordance with its regulations.

Q: When will the notification letters be sent?

A: The process of mailing the notification letters began on June 3, 2009.

Q: Who should I contact if I have more questions about the PMP and the notification letter?

A: You may email the PMP at pmp@dhp.virginia.gov or call (804)367-4566.

Q: Will I be asked for my Social Security Number?

A: At no time will you be asked by phone or email by PMP staff or representatives for your entire Social Security number.

Q: What is the Virginia Department of Health Professions?

A: The Virginia Department of Health Professions (DHP) is a state agency that licenses and regulates health care professionals in Virginia. The mission of the Department is to enhance the delivery of safe and competent health care by licensing qualified health care professionals, enforcing standards of practice, and providing information to both practitioners and consumers of health care services. One of the programs managed by the Department is the Prescription Monitoring Program.

Q: What is a Prescription Monitoring Program (PMP)?

A: Prescription Monitoring Programs (PMPs) are systems in which controlled prescription drug data are collected in a database, centralized by each state, and administered by an authorized state agency to promote the appropriate use of controlled substances for legitimate medical purposes, while deterring the misuse, abuse, and diversion of controlled substances. As of October 2008, 38 states had enacted legislation permitting PMPs or had operational PMPs. Each state controls the language of its PMP with regard to how the prescription information gathered as part of the program will be accessed, by whom, and for what limited purposes.

Q: When was the Virginia PMP implemented?

A: The Commonwealth implemented a pilot program in Southwest Virginia in September 2003, which contained information about the Schedule II controlled substances dispensed in that region. In 2006, the program expanded statewide and now includes information for prescriptions dispensed in Schedules II, III, and IV.

Q: What kinds of drugs are in Schedules II, III, and IV?

A: Schedule II drugs include oxycodone, methadone, morphine, Ritalin

Schedule III drugs include Hydrocodone, Vicodin, testosterone, Tylenol with Codeine

Schedule IV drugs include Valium, Xanax, Darvocet-N100, Ambien

Q: Who has access to the data in the program?

A: Prescribers and Pharmacists (upon providing notification of the patient and for their specific patient), certain authorized law enforcement and regulatory personnel (with an open investigation required), and patients over the age of eighteen may receive their own information. In addition, de-identified data is available for research and education purposes.

Q: What data is collected?

A: As mandated by state law, pharmacies and other dispensers licensed by the Virginia Board of Pharmacy at DHP must report certain prescription information to the PMP.

Required data elements include:

- Recipient's name and address
- Recipient's date of birth
- Covered substance dispensed to the recipient
- Quantity of the covered substance that was dispensed
- Date of the dispensing
- Prescriber's identifier number
- Dispenser's identifier number
- Prescription number

Optional data elements include:

- Dispenser's customer identification number, which in limited instances may be a Social Security number
- Number of refills authorized by the prescriber

Q: What information would my doctor get if he or she made a request about me to the PMP?

A: Your doctor would be sent a report containing the names of any Schedule II-IV drugs, quantity received by you, the strength of the drugs, the prescription number, the date filled, the prescriber and the dispensing pharmacy.

Q: How do I find out if my data is in the PMP?

A: Patients over the age of eighteen may request information in possession of the program be disclosed to them.

A request must be accompanied by a copy of a valid photo identification issued by a government agency of any jurisdiction in the United States. The identification must verify that the recipient is over the age of eighteen. Additionally, the request must include a notarized signature of the requesting party. You may obtain a request form by going to DHP's website and following the

links to the PMP under “Services for Practitioners.” (www.dhp.virginia.gov) or by calling the PMP at (804) 367-4566.

Once you have filled out your request form, it may be hand delivered or mailed to the Prescription Monitoring Program. The mailing address is:

Prescription Monitoring Program
Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Richmond Virginia 23233-1463

This information will be sent to you as soon as the database is available for processing requests.

Q: Can I have my data removed from the PMP?

No. State law requires that information for prescriptions dispensed in Schedules II, III, and IV be included in the PMP.

Q: What if I have concerns about possible identity theft?

A: Although the investigation has yet to determine what, if any, personal information may be at risk, we nonetheless recommend that you remain vigilant over the next 12 to 24 months, including carefully reviewing account statements for your financial products and services, and promptly reporting incidents of suspected identify theft to the applicable financial institution.

We also recommend that you periodically obtain and carefully review your credit report from each of the nationwide credit reporting agencies, and request that information related to fraudulent transactions, if any, be deleted from these reports. You may obtain a free copy of your credit report once every 12 months from Equifax, Experian, and TransUnion. You can request this free service by visiting the website www.annualcreditreport.com, by calling 877-322-8228, or completing the annual credit report request form available at www.ftc.gov/credit.

If you find suspicious activity on your credit reports, or have reason to believe your information is being misused, contact your local police department. You should also file a complaint with the Federal Trade Commission by calling 1-877-438-4338.

As an additional precaution, you may wish to contact the three credit bureau reporting agencies to place a fraud alert on your credit file. A fraud alert makes creditors aware of possible fraudulent activity on your account, and tells creditors to contact you before they open any new accounts or change your existing accounts.

You can place a fraud alert on your credit file by contacting any one of the three major credit reporting agencies using the following contact information:

Equifax: 800-525-6285

Experian: 888-397-3742
TransUnion Corp: 800-680-7289

Q: What can I do to combat medical identity theft?

- Every year, ask your insurance company for a complete list of payments made for your medical care
- Monitor ‘Explanation of Benefits’ statements received from insurers
- Contact your insurer(s) and provider(s) about charges for care that you did not receive, even when there is no money owed
- Share personal and health insurance information only with trusted providers
- Maintain copies of healthcare records
- Check personal credit history for medical liens
- Request that providers and insurance companies correct errors and amend medical records to alert a user to inappropriate content

Q: Is it safe for me to fill my prescriptions?

A: Yes. The PMP reporting process is secure. You should not allow this incident to compromise your healthcare. The PMP will not be available for registered users until all security issues have been fully resolved and the system has been cleared by the Virginia Information Technology Agency (VITA) and law enforcement.

Q: Was my credit card information accessed?

A: No. Credit card information is not reported by pharmacies and is not in the PMP database.

Q: What are some websites that may have more information?

Federal Trade Commission Identity Theft Website:
<http://www.ftc.gov/bcp/edu/microsites/idtheft/>

Federal Trade Commission Identity Theft Website: Identity Theft page
<http://www.ftc.gov/bcp/menus/consumer/data/idt.shtm>

AARP
http://bulletin.aarp.org/yourmoney/scamalert/articles/scam_alertmedical_id_theft_a_fast_growing_crime.html

Q: What do I do if I think someone is misusing my personal information?

A: Call the Federal Trade Commission’s ID Theft hotline at 1-877-438-4338 to make a report. TTY users should call 1-866-653-4261.

Q: Where do I go for more information?

A: Please visit our website at www.dhp.virginia.gov for more information. Updates will be posted on DHP's website in "Announcements" at the bottom of the main page on the website, www.dhp.virginia.gov