

# NARCOTICS MONITORING SYSTEM (NMS) OPIOID INVESTIGATIONS - BACKGROUNDER

The College of Physicians and Surgeons of Ontario's Opioid Strategy comprises a four-pronged approach reflecting our mandate, namely to: Guide; Assess; Investigate; and Facilitate Education. The strategy is supported through effective communication and collaboration with physicians, the public and health-system partners, using data and analytics to inform prescribing practices and our regulatory responsibilities.

The College is committed to ensuring that physicians practice competently. One important way in which we accomplish this goal is by conducting comprehensive and timely investigations of doctors when concerns are raised about potentially concerning prescribing practices inconsistent with best practice and good patient care.

In November 2016, the College confirmed that we were investigating some physicians related to their opioid prescribing based on data from 2015 received from the Narcotics Monitoring System (NMS). In accordance with the statutory requirement to maintain confidentiality about ongoing investigations, no details were provided at that time. The following provides an interim update on the outcomes of the investigations that have been completed to date. We anticipate that the remaining investigations will be completed by the end of December 2017, at which time we will provide an update on those outcomes.

The College initiated investigations into 84 physicians' practices based on information received from the NMS. To date, 56 investigations have been completed and 28 investigations are in progress with an anticipated completion date of end of December 2017. The outcomes of the completed investigations are included in the table, below.

<b>Outcomes of NMS-initiated investigations as of August 24, 2017</b>	<b>No. of Cases</b>
<b>No action</b>	<b>16</b>
<b>Advice</b>	<b>4</b>
<b>Remedial self-study</b>	<b>2</b>
<b>Mandated remediation</b>	<b>22</b>
<b>Mandated remediation and a caution</b>	<b>5</b>
<b>Prescribing restrictions</b>	<b>2</b>
<b>Prescribing restriction and a caution</b>	<b>1</b>
<b>No longer in practice</b>	<b>3</b>
<b>Referral to the Discipline Committee (with prescribing restriction pending hearing)</b>	<b>1</b>
<b>SUBTOTAL</b>	<b>56</b>
<b>Investigations in progress</b>	<b>28</b>
<b>TOTAL</b>	<b>84</b>

## **Definitions – Investigative Outcomes**

Investigations that arise from receipt of information from the NMS entail seeking more information from the prescribing physician and others in order to better understand and evaluate the prescribing. These investigations include a review of patient charts and interviews by an external assessor to understand whether the physician is practising to current standards, in the patient's best interest. After a comprehensive investigation has been completed, the Inquiries, Complaints and Reports Committee (ICRC), which oversees and determines the outcome of investigations, decides the outcome from a variety of available options:

### **No Action**

When the investigation confirms that the care provided by the physician is appropriate, no further action will be taken. Examples of situations in which it is appropriate to take no further action are:

- ▶ Patients are receiving appropriate care;
- ▶ Dosages are being tapered, when clinically indicated to the patient's circumstances. In some cases, physicians have changed their own prescribing practices in response to more recent evidence, or they are tapering dosage levels initiated by other physicians.

### **Advice or Remedial Self-Study**

Where minor issues are identified, advice will be given to the physician to improve future practice or the physician may be required to participate in self-study with follow-up from the College to ensure the identified learning needs have been addressed.

If an investigation results in no action, advice, or remedial self-study, these outcomes are not available on the public register.

### **Mandated Remediation**

The College will take a remedial approach, whenever appropriate, to help physicians practise to current standards. Our goal, where possible, is to support education and continued prescribing under supervision, where the physician's capacity for remediation is apparent.

The terms of a physician's mandated remediation are set out in an "undertaking", which is a binding and enforceable agreement between the College and the physician. In general, undertakings set out an obligation or restriction that a physician is giving to the College (i.e., an agreement by the doctor to participate in remediation; practise under clinical supervision; cease to practise medicine; or abide by practice restrictions, such as no longer being permitted to prescribe narcotics and controlled drugs, for example).

#### **▶ Undertakings to complete Individualized Education; Clinical Supervision; Reassessment**

The majority of physicians with identified learning needs have undertaken to participate in and successfully complete an individualized education plan developed by the CPSO to address the identified specific learning needs of each physician. The elements of professional education include completion of the University of Toronto Faculty of Medicine program in Safer Opioid Prescribing; and may include the U of T's Medical Record-Keeping Course. Additionally, a review of a number of resources (e.g., CPSO Prescribing Drugs policy; 2017 Canadian Guideline for Opioids for Chronic Non-Cancer Pain, etc.) is generally undertaken. Physicians practise under the guidance of a clinical supervisor, over a graduated period of time, who oversees completion of the educational plan. The level of supervision is reduced to the next phase only when recommended by the clinical supervisor and approved by the College. After successful completion of the period of clinical supervision, each physician is reassessed to gauge improvement. In some cases,

a physician may also receive a caution from the committee that oversees investigations, regarding specific aspects of his or her practice, or professionalism or conduct. Each physician's undertaking will be posted on his/her profile on the public register while the terms of the undertaking remain in effect.

➤ **Undertakings Imposing Prescribing Restrictions**

In a small number of cases, physicians have undertaken to no longer prescribe narcotics and controlled drugs. In some cases, a physician may also receive a caution from the committee that oversees investigations, regarding specific aspects of his or her practice, or professionalism or conduct. This information is on the public register.

➤ **Undertakings to No Longer Practise Medicine**

In a small number of cases, physicians have undertaken to no longer practise medicine in Ontario. This information is on the public register.

**Referrals to Discipline**

Where a physician has been referred to the Discipline Committee, the Notice of Hearing, which sets out the allegation(s), is on the public register. Any practice restrictions, if ordered pending the outcome of the hearing, are on the public register.

August 24, 2017