

**Virginia Board of Dentistry
Policy on Sanctioning for
Failure to report to the Prescription Monitoring Program**

Excerpts of Applicable Law, Regulation and Guidance

- The Board may sanction any licensee for violation of any provision of a state or federal law or regulation relating to manufacturing, distributing, dispensing or administering drugs. §54.1-2706(15)
- Any prescriber who is licensed in the Commonwealth to treat human patients and is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance shall be registered with the Prescription Monitoring Program (“PMP”) by the Department of Health Professions. §54.1-2522.1(A)
- The failure by any person subject to the reporting requirements set forth in §54.1-2521 and the Department's regulations to report the dispensing of covered substances shall constitute grounds for disciplinary action by the relevant health regulatory board. §54.1-2521(A)
- Data shall be transmitted to the Department or its agent within seven days of dispensing. 18VAC76-20-40.A
- Data shall be transmitted in a file layout provided by the Department and shall be transmitted by a media acceptable to the vendor contracted by the director for the program. 18VAC76-20-40.B
- If a dispenser does not dispense any controlled substances in Schedules II- IV during a seven day period, a “zero” report must be submitted. PRESCRIPTION MONITORING PROGRAM DATA COLLECTION MANUAL

Guidelines for Imposing Disciplinary Sanctions

1. A “Failure to Report” letter will be sent by the PMP to the dispenser concerning non-reporting. If the dispenser fails to submit the required data and provide PMP with confirmation of the submission within the time prescribed in the “Failure to Report” letter, or an inadequate response is received, PMP will then mail a certified “Failure to Report” letter to the dispenser.
2. Should the dispenser not submit the required data and provide PMP with confirmation of the submission within the time prescribed in the certified “Failure to Report” letter, or an inadequate response is received, PMP will refer the matter to the Board for disciplinary action.
3. The reviewing Board member or staff (the “Reviewer”) shall offer a Pre-Hearing Consent Order (“PHCO”) when probable cause is found that the dispenser failed to report dispensing data.
4. The Reviewer shall impose a \$500.00 monetary penalty per each unreported period and require the immediate submission of the dispensing data.