KASPER Tips: Do Physicians Have to Report to KASPER? Yes!

Carrie R. Gentry, PharmD
KY Office of Inspector General
Drug Enforcement and Professional Practices Branch (DEPPB)

The DEPPB enforces the Kentucky Controlled Substances Act (KRS 218A) and operates the Kentucky All Schedule Prescription Electronic Reporting program (KASPER). The DEPPB provides the following guidance to all physicians who dispense or administer controlled substances *from an office-based setting*:

A physician who administers or dispenses controlled substances is responsible for transmitting the required dispensing data to the KASPER system in accordance with KRS 218A.202 and 902 KAR 55:110.

DEPPB has recently discovered multiple dispensing physicians have not been reporting the required data to KASPER. In many instances, the dispensing physician mistakenly believed the supplier or pharmacy was reporting the data to KASPER. Please note, the KASPER reporting responsibility falls upon the DEA registrant who delivers the controlled substance from their own inventory to the patient, pursuant to a prescription or order of a practitioner.

Example:
A physician determines a patient requires an implantable, compounded testosterone pellet (a Schedule III controlled substance) that must be administered in the office. The physician has two options for ordering the testosterone pellet:

1. The physician may issue a lawful, patient-specific prescription (written, electronic or verbal) to be dispensed by a compounding pharmacy. The compounding pharmacy must deliver the product to the patient. The patient brings the product back to the office for administration. In this scenario, the compounding pharmacy dispensed the controlled substance to the patient, and is responsible for reporting the required data to KASPER.

2. The physician may use a purchase order to obtain testosterone pellets "For Office Use" from a duly licensed compounding pharmacy/outsourcing facility. The physician enters an order for the administration of a testosterone pellet into the patient chart, then administers a pellet directly to the patient from the office supply. In this scenario, the physician dispensed the controlled substance to the patient, and is responsible for reporting the required data to KASPER. The same is true for any office stock of controlled substance that is dispensed to a patient for take-home use (e.g. phentermine).

Please note that the KASPER reporting process is different from the process used to obtain a KASPER report on a patient. Reporting administered or dispensed controlled substances to KASPER requires establishment of a data uploader account with the KASPER Data Collection System. A guide for registering as an uploader and detailed instructions for how to report data to KASPER can be found at https://chfs.ky.gov/agencies/os/oig/dai/deppb/Documents/KASPERControlledSubstanceReportingGuide.pdf or by calling DEPPB at (502) 564-7985.

Failure to comply with KRS 218A.202 will result in a report to the Kentucky Board of Medical Licensure. The report shall be treated as a complaint against your license. Intentional failure to report to KASPER controlled substances administered or dispensed is a Class B misdemeanor (first offense) and a Class A misdemeanor (each subsequent offense). Furthermore, mid-level practitioners (e.g. APRNs, PAs) and other office staff are not authorized to dispense controlled substances in Kentucky. If you have questions, please contact DEPPB at (502) 564-7985.