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Industry Bulletin: 24-01

# Subject: Qualified medical provider (QMP) audits

## Introduction

The Department of Health and Human Services (DHHS) Center for Medical Cannabis conducts formal audits on current qualified medical providers (QMPs).

This bulletin will provide general information about these audits and some of the medical cannabis laws that you may be audited on. It is your responsibility to be familiar with and follow all current medical cannabis laws. Review the current laws online at [le.utah.gov](http://le.utah.gov).

We are here to help you. Contact us at [cannabiscompliance@utah.gov](mailto:cannabiscompliance@utah.gov) or (801) 538-6504 if you have questions about audits or medical cannabis laws. We can't give legal advice, but we can give general information.

## QMP audits

In the past, we reviewed complaints and concerns about QMPs and took action as needed. This year we decided to be more proactive and start conducting formal audits.

Each month, we randomly choose QMPs to review. Some months, we review information available in the electronic verification system (EVS) or through DOPL, such as your license information or patient counts. Other months, you may get an email from us asking you to verify specific information, like in-person visits with patients or that your patients with post-traumatic stress disorder (PTSD) were diagnosed by the correct medical professional.

If you don't pass an audit, you will receive a formal letter from us with education about the concerns we found and steps to fix them. If you do not fix the concern or you fail the same audit multiple times, we may take action by sending our audit results to DOPL and suspending or revoking your QMP registration.

# Medical cannabis laws

## Medical cannabis certifications

There are 2 parts to a medical cannabis recommendation: the certification and the dosing guidelines. This bulletin will focus on the certification.

Your certification in EVS confirms that the patient meets all requirements to use medical cannabis. You need to complete the certification requirements in addition to verifying the patient's information.

Certification requirements include the following:

- You are the patient's medical provider and are seeing them in the context of a provider-patient relationship.
- You check the patient's photo ID. Review the list of approved photo IDs at [26B-4-201\(21\)](#).
- You and the patient meet in-person for your first visit. There are a few exceptions to this if the patient is on hospice, has a terminal illness, or lives in an assisted living facility.
- You complete a full medical assessment and document it in the patient's medical record.
- You make sure that medical cannabis is an appropriate treatment for the patient, their medical condition, and their medical history. This is especially important if the patient has a history of substance use, substance use disorders, or opioid use disorders.
- You review the patient's medical cannabis card information in EVS if they already have a card or had one in the past.
- You review the patient's history in the Utah controlled substance database.

## Qualifying conditions

There are 17 approved medical conditions for medical cannabis. These are called qualifying conditions.

Some qualifying conditions must meet additional criteria before patients can use medical cannabis as a treatment. It is your responsibility to verify and document that patients meet the additional criteria for these conditions before you submit a medical cannabis recommendation.

## Post-traumatic stress disorder (PTSD)

Patients must have an official diagnosis for post-traumatic stress disorder (PTSD) from one of the following licensed providers:

- Advanced practice registered nurse (APRN) licensed in psychiatric mental health
- Healthcare provider who works for the United States Veterans Administration (VA)
- Licensed clinical social worker (LCSW)
- Physician's assistant licensed in psychiatry
- Psychiatrist
- Psychologist

Patients also need to be monitored by a licensed mental health therapist. Licensed mental health therapists include the following providers if their practice includes mental health therapy or psychiatry:

- Advanced practice registered nurse (APRN) or APRN intern
- Clinical mental health counselor
- Marriage and family therapist
- Physician
- Physician assistant (PA)
- Psychologist or psychology resident
- Clinical social worker

## Persistent nausea

You need to verify that the nausea isn't from pregnancy, cannabis-induced cyclic vomiting syndrome, or cannabinoid hyperemesis.

You also need to document proof that the patient tried other treatments for nausea and that the treatments weren't effective.

## Pain

There are 2 types of pain that can qualify for medical cannabis use: acute pain and persistent pain.

Acute pain is short-term and expected to last less than 2 weeks. Medical cannabis cards for acute pain only last for 30 days.

Persistent pain lasts longer than 2 weeks. You need to document proof that the patient tried other treatments, including medications and physical therapy, and that treatments weren't effective before submitting your recommendation.

## Rare condition

A rare condition affects less than 200,000 individuals in the United States. We use the [National Institute of Health's Genetic and Rare Diseases Information Center \(NIH GARD\)](#) to check if a medical condition meets this definition.

You also need to document proof that the patient tried other treatments for their condition and that the treatments weren't effective before submitting your recommendation.

## Other

Choosing "Other" as the qualifying condition means that you need to submit a petition to the Compassionate Use Board (CUB) for the patient. The Compassionate Use Board will review the petition and decide on a case-by-case basis if the patient would benefit from using medical cannabis.

Learn more about the Compassionate Use Board and how to submit a petition at <https://medicalcannabis.utah.gov/resources/compassionate-use-board/>.