



General Assembly

January Session, 2009

Raised Bill No. 6301

LCO No. 2593

02593 _____ GL_

Referred to Committee on General Law

Introduced by:
(GL)

**AN ACT CONCERNING THE PRACTICE OF PHARMACY AND
ELECTRONIC PRESCRIPTIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-614 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 (a) A prescription shall be transmitted in either an oral, written or
4 electronic manner to a pharmacy.

5 (b) Whenever a pharmacy, or an institutional pharmacy in a hospital
6 dispensing a drug or device for outpatient use or dispensing a drug or
7 device that is prescribed for an employee of the hospital or for the
8 employee's spouse or dependent children, receives an oral or
9 electronically-transmitted prescription, except for a controlled drug, as
10 defined in section 21a-240, as amended by this act, [the] a record of
11 such prescription shall be maintained in writing or electronically. The
12 pharmacist or pharmacy intern shall, not later than the end of the
13 business day when the prescription was received, record the
14 prescription on a prescription form or [computerized printed] in an
15 electronic record: [including:] (1) The name and address of the

16 prescribing practitioner; (2) the date of the prescription; (3) the name,
17 dosage form, strength, where applicable, and the amount of the drug
18 prescribed; (4) the name and address of the patient or, for veterinary
19 prescriptions, the name and address of the owner and the species of
20 the animal; (5) the directions for use; (6) any required cautionary
21 statements; and (7) the number of times the prescription may be
22 refilled, including the use of refill terms "PRN" and "ad lib" in lieu of a
23 specific number of authorized refills.

24 (c) A written prescription shall bear: (1) The written signature of the
25 prescribing practitioner or shall comply with the requirements of
26 section 19a-509c; (2) the address of the practitioner; (3) the date of the
27 prescription; (4) the name, dosage form, strength, where applicable,
28 and amount of the drug prescribed; (5) the name and address of the
29 patient or, for veterinary prescriptions, the name and address of the
30 owner and the species of the animal; (6) the directions for use; (7) any
31 required cautionary statements; and (8) the number of times the
32 prescription may be refilled, including the use of refill terms "PRN"
33 and "ad lib" in lieu of a specific number of authorized refills. No
34 written prescription form for a schedule II substance may contain an
35 order for any other legend drug or device.

36 (d) (1) As used in this subsection, "electronic data intermediary"
37 means an entity that provides the infrastructure that connects the
38 computer systems or other electronic devices utilized by prescribing
39 practitioners with those used by pharmacies in order to facilitate the
40 secure transmission of electronic prescription orders, refill
41 authorization requests, communications and other patient care
42 information between such entities.

43 (2) An electronic data intermediary may transfer electronically
44 transmitted data between a prescribing practitioner licensed and
45 authorized to prescribe and a pharmacy of the patient's choice,
46 licensed pursuant to this chapter or licensed under the laws of any
47 other state or territory of the United States. Electronic data

48 intermediaries shall not alter the transmitted data except as necessary
49 for technical processing purposes. Electronic data intermediaries may
50 archive copies of only that electronic data related to such transmissions
51 necessary to provide for proper auditing and security of such
52 transmissions. Such data shall only be maintained for the period
53 necessary for auditing purposes. Electronic data intermediaries shall
54 maintain patient privacy and confidentiality of all archived
55 information as required by state and federal law.

56 (3) No electronic data intermediary shall operate without the
57 approval of the Commissioner of Consumer Protection. An electronic
58 data intermediary seeking approval shall apply to the Commission of
59 Pharmacy in the manner prescribed by the commissioner. The
60 commissioner, with the advice and assistance of the commission, shall
61 adopt regulations, in accordance with the provisions of chapter 54, to
62 establish criteria for the approval of electronic data intermediaries, to
63 ensure that (A) procedures to be used for the transmission and
64 retention of prescription data by an intermediary, and (B) mechanisms
65 to be used by an intermediary to safeguard the confidentiality of such
66 data, are consistent with the provisions and purposes of this section.

67 Sec. 2. Section 20-615 of the general statutes is repealed and the
68 following is substituted in lieu thereof (*Effective July 1, 2009*):

69 (a) An institutional pharmacy dispensing a drug in circumstances
70 described in subsection (g) of this section and a pharmacy shall assign
71 and record a serial number to each prescription that it fills and shall
72 keep all written prescriptions and the record of oral and electronically-
73 transmitted prescriptions required in section 20-614 in numerical order
74 in a suitable file, electronic file or ledger for a period of not less than
75 three years. The records shall indicate the date of filling, the name and
76 address of the prescribing practitioner, the name and address of the
77 patient or the name and address of the owner of an animal for whom
78 the prescription was written and the species of the animal and the
79 [initials] name of the pharmacist who dispensed the drug.

80 (b) A refill of a prescription shall be recorded on the face or back of
81 the original prescription or in an electronic system.

82 (c) Records maintained under this section shall be made available
83 for inspection upon request of any authorized agent of the
84 commissioner or other person authorized by law.

85 (d) When a pharmacy closes temporarily or permanently, the
86 pharmacy shall, in the interest of public health, safety and
87 convenience, make its complete prescription records immediately
88 available to a nearby pharmacy and post a notice of this availability on
89 the window or door of the closed pharmacy.

90 (e) Any violation of this section shall be punishable as provided in
91 section 20-581.

92 (f) This section shall not apply to records maintained in accordance
93 with regulations adopted pursuant to section 20-576, [or] 21a-244 [, to
94 the extent such regulations are inconsistent with this section] or 21a-
95 244a, as amended by this act.

96 (g) When an institutional pharmacy in a hospital dispenses a drug
97 or device for outpatient use or dispenses a drug or device that is
98 prescribed for an employee of the hospital or for the employee's
99 spouse or dependent children, the provisions of subsections (a), (b), (c)
100 and (e) of this section shall apply.

101 Sec. 3. Subdivision (45) of section 21a-240 of the general statutes is
102 repealed and the following is substituted in lieu thereof (*Effective July*
103 *1, 2009*):

104 (45) "Prescription" means a written, [or] oral or electronic order for
105 any controlled substance or preparation from a licensed practitioner to
106 a pharmacist for a patient.

107 Sec. 4. Section 21a-244a of the general statutes is repealed and the
108 following is substituted in lieu thereof (*Effective July 1, 2009*):

109 (a) The following terms shall have the following meanings when
110 used in this section:

111 (1) "Drug" means (A) articles recognized in the official United States
112 Pharmacopoeia, official Homeopathic Pharmacopoeia of the United
113 States or official National Formulary, or any supplement to any of
114 them; (B) articles intended for use in the diagnosis, cure, mitigation,
115 treatment or prevention of disease in man or other animals; (C)
116 articles, other than food, intended to affect the structure or any
117 function of the body of man or any other animal; and (D) articles
118 intended for use as a component of any articles specified in this
119 subdivision; but shall not include devices or their components, parts or
120 accessories;

121 (2) "Licensed practitioner" means a person licensed by the state of
122 Connecticut, any other state, the District of Columbia or the
123 Commonwealth of Puerto Rico and authorized to prescribe medication
124 within the scope of his practice; and

125 (3) "Drug record" means a record maintained pursuant to chapter
126 400j, 417, 418, 420b or 420c of drug ordering, drug distribution, receipt
127 of drugs, storage of drugs, disposition of drugs, and orders of drugs
128 issued by a licensed practitioner for a patient.

129 (b) In lieu of maintaining written drug records required by state or
130 federal law to be kept in the state, such records may be created and
131 maintained on electronic data processing systems or other electronic
132 media systems. If a conflict exists between maintaining a written drug
133 record and maintaining an electronic drug record, the written drug
134 record shall be maintained.

135 (c) Electronic identifiers, including, but not limited to, electronic
136 codes or signatures, voice prints, retinal prints or handprints may be
137 substituted in lieu of required written signatures or initials.

138 (d) The Commissioner of Consumer Protection may adopt

139 regulations, in accordance with the provisions of chapter 54,
140 establishing the use of electronic data processing systems or other
141 electronic media systems for maintaining drug records. No such
142 electronic data processing system shall be implemented prior to the
143 adoption of these regulations.

144 Sec. 5. Section 21a-249 of the general statutes is repealed and the
145 following is substituted in lieu thereof (*Effective July 1, 2009*):

146 (a) All prescriptions for controlled drugs shall include (1) the name
147 and address of the patient, or the name and address of the owner of an
148 animal and the species of the animal, (2) whether the patient is an
149 adult or a child, or his specific age, (3) the compound or preparation
150 prescribed and the amount thereof, (4) directions for use of the
151 medication, (5) the name and address of the prescribing practitioner,
152 (6) the date of issuance, and (7) the Federal Registry number of the
153 practitioner. No prescription blank containing a prescription for a
154 schedule II substance shall contain more than one prescription.

155 (b) [Prescriptions when written] Written prescriptions shall be
156 written in ink or in indelible pencil or by typewriter. No duplicate,
157 carbon or photographic copies and no printed or rubber-stamped
158 orders shall be considered valid prescriptions within the meaning of
159 this chapter. No prescription or order for any controlled substance
160 issued by a practitioner to an inanimate object or thing shall be
161 considered a valid prescription within the meaning of this chapter.

162 (c) Prescriptions for schedule II substances, if in writing, shall be
163 signed by the prescribing practitioner at the time of issuance and
164 previously signed orders for such schedule II substances shall not be
165 considered valid prescriptions within the meaning of this chapter. No
166 practitioner shall prescribe, dispense or administer schedule II
167 sympathomimetic amines as anorectics, except as may be authorized
168 by regulations adopted by the Departments of Public Health and
169 Consumer Protection acting jointly. The Department of Public Health
170 and the Department of Consumer Protection, acting jointly, may adopt

171 regulations, in accordance with chapter 54, allowing practitioners to
172 prescribe, dispense or administer schedule II sympathomimetic amines
173 as anorectics under certain specific circumstances. Nothing in this
174 subsection shall be construed to require a licensed pharmacist to
175 determine the diagnosis of a patient prior to dispensing a prescription
176 for such substances to a patient.

177 (d) To the extent permitted by the federal Controlled Substances
178 Act, 21 USC 801, as from time to time amended, a prescribing
179 practitioner may issue an oral order or an electronically transmitted
180 prescription order and, except as otherwise provided by regulations
181 adopted pursuant to sections 21a-243, [and] 21a-244 and 21a-244a, as
182 amended by this act, such oral order or electronically transmitted
183 prescription order shall be promptly reduced to writing on a
184 prescription blank or a hardcopy printout [shall be produced] or
185 created as an electronic record and filed by the pharmacist filling it.
186 For the purposes of subsections (d) and (h) of this section the term
187 "electronically transmitted" means transmitted by facsimile machine,
188 computer modem or other similar electronic device.

189 (e) To the extent permitted by the federal Controlled Substances
190 Act, in an emergency the dispensing of schedule II substances may be
191 made upon the oral order of a prescribing registrant known to or
192 confirmed by the filling pharmacist who shall promptly reduce the
193 oral order to writing on a prescription blank, provided, in such cases
194 such oral order shall be confirmed by the proper completion and
195 mailing or delivery of a prescription prepared by the prescribing
196 registrant to the pharmacist filling such oral order within seventy-two
197 hours after the oral order has been given. Such prescription of the
198 registrant shall be affixed to the temporary prescription prepared by
199 the pharmacist and both prescriptions shall be maintained on file as
200 required in this chapter.

201 (f) All prescriptions for controlled substances shall comply fully
202 with any additional requirements of the federal food and drug laws,

203 [federal laws and regulations Part 306, U.S. Department of Justice,
204 Bureau of Narcotics and Dangerous Drugs-Federal Register Volume 36
205 No. 80 et seq.] the federal Controlled Substances Act, and state laws
206 and regulations adopted under this chapter.

207 (g) Repealed by P.A. 82-419, S. 46, 47.

208 (h) Except when dispensed directly by a practitioner, other than a
209 pharmacy, to an ultimate user, a controlled substance included in
210 schedule III or IV, which is a prescription drug as determined under
211 federal food and drug laws, shall not be dispensed without a written,
212 electronically transmitted or oral prescription of a practitioner. The
213 prescription shall not be filled or refilled more than six months after
214 the date thereof or be refilled more than five times, unless renewed by
215 the practitioner.

216 (i) A controlled substance included in schedule V shall not be
217 distributed or dispensed other than for a medical purpose.

218 (j) A pharmacy may sell and dispense controlled substances upon
219 the prescription of a prescribing practitioner, as defined in subdivision
220 (22) of section 20-571.

221 (k) Pharmacies shall file filled prescriptions for controlled
222 substances separately from other prescriptions. All schedule II
223 prescriptions shall be filed in a separate file or in an electronic file. All
224 schedule III, IV and V prescriptions shall be filed in another separate
225 file or in an electronic file, except as otherwise provided for in
226 regulations adopted pursuant to section 21a-243, 21a-244 or 21a-244a,
227 as amended by this act. [Such] All written controlled substance
228 prescriptions shall, immediately upon filling, be filed chronologically
229 and consecutively.

230 (l) Any pharmacy may transfer prescriptions for controlled
231 substances included in schedules III, IV and V to any other pharmacy
232 in accordance with the requirements set forth in the federal Controlled

233 Substances Act 21 USC 801 et seq. and the regulations promulgated
234 thereunder, as from time to time amended.

235 (m) A practitioner authorized to prescribe controlled substances
236 shall not prescribe anabolic steroids for the sole purpose of enhancing
237 a patient's athletic ability or performance.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	20-614
Sec. 2	<i>July 1, 2009</i>	20-615
Sec. 3	<i>July 1, 2009</i>	21a-240(45)
Sec. 4	<i>July 1, 2009</i>	21a-244a
Sec. 5	<i>July 1, 2009</i>	21a-249

Statement of Purpose:

To allow Connecticut pharmacies to maintain prescriptions electronically and to allow Connecticut physicians to transmit schedule II drugs to pharmacies electronically, subject to provisions of the federal Controlled Substances Act.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]