



General Assembly

**Substitute Bill No. 5056**

February Session, 2012

\*        HB05056GL        031412        \*

**AN ACT CONCERNING THE ELECTRONIC PRESCRIPTION DRUG MONITORING PROGRAM.**

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

1       Section 1. Subsection (j) of section 21a-254 of the general statutes is  
2       repealed and the following is substituted in lieu thereof (*Effective from*  
3       *passage*):

4       (j) (1) The commissioner shall, within available appropriations,  
5       establish an electronic prescription drug monitoring program to  
6       collect, by electronic means, prescription information for schedules II,  
7       III, IV and V controlled substances, as defined in subdivision (9) of  
8       section 21a-240, that are dispensed by pharmacies, [and] nonresident  
9       pharmacies, as defined in section 20-627, outpatient pharmacies in  
10       hospitals or institutions or by any other dispenser, as defined in  
11       section 21a-240. The program shall be designed to provide information  
12       regarding the prescription of controlled substances in order to prevent  
13       the improper or illegal use of the controlled substances and shall not  
14       infringe on the legitimate prescribing of a controlled substance by a  
15       prescribing practitioner acting in good faith and in the course of  
16       professional practice.

17       (2) The Commissioner of Consumer Protection may identify  
18       products to be included in the electronic prescription drug monitoring  
19       program established pursuant to subdivision (1) of this subsection. For

20 purposes of this subdivision "product" means a herbal or chemical  
21 substance or drug.

22 [(2)] (3) Each pharmacy, [and each] nonresident pharmacy, as  
23 defined in section 20-627, outpatient pharmacy in a hospital or  
24 institution and dispenser, as defined in section 21a-240, shall report to  
25 the commissioner, at least twice monthly, by electronic means or, if a  
26 pharmacy or outpatient pharmacy does not maintain records  
27 electronically, in a format approved by the commissioner, the  
28 following information for all controlled substance prescriptions  
29 dispensed by such pharmacy or outpatient pharmacy: (A) Dispenser  
30 identification number; (B) the date the prescription for the controlled  
31 substance was filled; (C) the prescription number; (D) whether the  
32 prescription for the controlled substance is new or a refill; (E) the  
33 national drug code number for the drug dispensed; (F) the amount of  
34 the controlled substance dispensed and the number of days' supply of  
35 the controlled substance; (G) a patient identification number; (H) the  
36 patient's first name, last name and street address, including postal  
37 code; (I) the date of birth of the patient; (J) the date the prescription for  
38 the controlled substance was issued by the prescribing practitioner and  
39 the prescribing practitioner's Drug Enforcement Agency's  
40 identification number; and (K) the type of payment.

41 [(3)] (4) The commissioner may contract with a vendor for purposes  
42 of electronically collecting such controlled substance prescription  
43 information. The commissioner and any such vendor shall maintain  
44 the information in accordance with the provisions of chapter 400j.

45 [(4)] (5) The commissioner and any such vendor shall not disclose  
46 controlled substance prescription information reported pursuant to  
47 subdivision [(2)] (3) of this subsection, except as authorized pursuant  
48 to the provisions of sections 21a-240 to 21a-283, inclusive. Any person  
49 who knowingly violates any provision of this subdivision or  
50 subdivision [(3)] (4) of this subsection shall be guilty of a class D  
51 felony.

52        [(5)] (6) The commissioner shall provide, upon request, controlled  
 53 substance prescription information obtained in accordance with  
 54 subdivision [(2)] (3) of this subsection to the following: (A) The  
 55 prescribing practitioner who is treating or has treated a specific  
 56 patient, provided the information is obtained for purposes related to  
 57 the treatment of the patient, including the monitoring of controlled  
 58 substances obtained by the patient; (B) the prescribing practitioner  
 59 with whom a patient has made contact for the purpose of seeking  
 60 medical treatment, provided the request is accompanied by a written  
 61 consent, signed by the prospective patient, for the release of controlled  
 62 substance prescription information; or (C) the pharmacist who is  
 63 dispensing controlled substances for a patient, provided the  
 64 information is obtained for purposes related to the scope of the  
 65 pharmacist's practice and management of the patient's drug therapy,  
 66 including the monitoring of controlled substances obtained by the  
 67 patient. The prescribing practitioner or pharmacist shall submit a  
 68 written and signed request to the commissioner for controlled  
 69 substance prescription information. Such prescribing practitioner or  
 70 pharmacist shall not disclose any such request except as authorized  
 71 pursuant to sections 20-570 to 20-630, inclusive, or sections 21a-240 to  
 72 21a-283, inclusive.

73        [(6)] (7) The commissioner shall adopt regulations, in accordance  
 74 with chapter 54, concerning the reporting, evaluation, management  
 75 and storage of electronic controlled substance prescription  
 76 information.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	21a-254(j)

**Statement of Legislative Commissioners:**

In section 1(j)(5) and (6), subdivision internal references were changed for accuracy.

**GL**      *Joint Favorable Subst.-LCO*