



House of Representatives

General Assembly

File No. 92

February Session, 2012

Substitute House Bill No. 5056

House of Representatives, March 26, 2012

The Committee on General Law reported through REP. TABORSAK of the 109th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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2 repealed and the following is substituted in lieu thereof (*Effective from*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*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

There is no fiscal impact to the Department of Consumer Protection (DCP) in expanding the electronic prescription drug monitoring program to include other providers as there is no registration fee and the program is already in place.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5056*****AN ACT CONCERNING THE ELECTRONIC PRESCRIPTION DRUG MONITORING PROGRAM.*****SUMMARY:**

This bill expands the electronic prescription drug monitoring program to include (1) out-of-state pharmacies that ship, mail, or deliver prescription drugs into the state and (2) any other drug dispensing practitioner (i.e., a physician, dentist, or anyone permitted to dispense a controlled substance). The bill also allows the Department of Consumer Protection (DCP) commissioner to identify additional products to be included in the program, including herbal or chemical substances or drugs.

BACKGROUND***Electronic Prescription Drug Monitoring Program***

This program requires DCP to collect prescription information twice a month from pharmacies about Schedules II, III, IV, and V controlled substances. The program provides information about the prescription of these substances to prevent their improper or illegal use. Pharmacists are required to report electronically certain drug information to DCP, including the dispensing date, dispenser identification and prescription number, and certain patient identification data.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 17 Nay 0 (03/13/2012)