



General Assembly

Raised Bill No. 6406

January Session, 2013

LCO No. 3140



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

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2 repealed and the following is substituted in lieu thereof (*Effective from*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 may identify other products or substances to
18 be included in the electronic prescription drug monitoring program
19 established pursuant to subdivision (1) of this subsection.

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

39 ~~[(3)]~~ (4) The commissioner may contract with a vendor for purposes
40 of electronically collecting such controlled substance prescription
41 information. The commissioner and any such vendor shall maintain
42 the information in accordance with the provisions of chapter 400j.

43 ~~[(4)]~~ (5) The commissioner and any such vendor shall not disclose
44 controlled substance prescription information reported pursuant to
45 subdivision ~~[(2)]~~ (3) of this subsection, except as authorized pursuant
46 to the provisions of sections 21a-240 to 21a-283, inclusive. Any person
47 who knowingly violates any provision of this subdivision or
48 subdivision ~~[(3)]~~ (4) of this subsection shall be guilty of a class D
49 felony.

50 [(5)] (6) The commissioner shall provide, upon request, controlled
51 substance prescription information obtained in accordance with
52 subdivision [(2)] (3) of this subsection to the following: (A) The
53 prescribing practitioner who is treating or has treated a specific
54 patient, provided the information is obtained for purposes related to
55 the treatment of the patient, including the monitoring of controlled
56 substances obtained by the patient; (B) the prescribing practitioner
57 with whom a patient has made contact for the purpose of seeking
58 medical treatment, provided the request is accompanied by a written
59 consent, signed by the prospective patient, for the release of controlled
60 substance prescription information; or (C) the pharmacist who is
61 dispensing controlled substances for a patient, provided the
62 information is obtained for purposes related to the scope of the
63 pharmacist's practice and management of the patient's drug therapy,
64 including the monitoring of controlled substances obtained by the
65 patient. The prescribing practitioner or pharmacist shall submit a
66 written and signed request to the commissioner for controlled
67 substance prescription information. Such prescribing practitioner or
68 pharmacist shall not disclose any such request except as authorized
69 pursuant to sections 20-570 to 20-630, inclusive, or sections 21a-240 to
70 21a-283, inclusive.

71 (7) No person or employer shall prohibit, discourage or impede a
72 prescribing practitioner or pharmacist from requesting controlled
73 substance prescription information pursuant to this subsection.

74 [(6)] (8) The commissioner shall adopt regulations, in accordance
75 with chapter 54, concerning the reporting, evaluation, management
76 and storage of electronic controlled substance prescription
77 information.

78 Sec. 2. Section 21a-317 of the general statutes is repealed and the
79 following is substituted in lieu thereof (*Effective from passage*):

80 Every practitioner who distributes, administers or dispenses any
81 controlled substance or who proposes to engage in distributing,

82 prescribing, administering or dispensing any controlled substance
83 within this state shall (1) obtain a certificate of registration issued by
84 the Commissioner of Consumer Protection in accordance with the
85 provisions of this chapter, and (2) register for access to the electronic
86 prescription drug monitoring program established pursuant to
87 subsection (j) of section 21a-254, as amended by this act. Registration
88 for access to said program shall be in a manner prescribed by said
89 commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	21a-254(j)
Sec. 2	<i>from passage</i>	21a-317

GL *Joint Favorable*