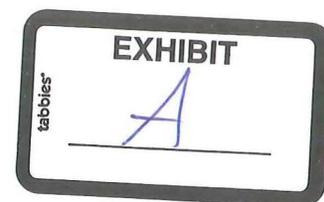


R-39 Rev. 03/2012
(Title page)

IMPORTANT: Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut
REGULATION
of



NAME OF AGENCY

DEPARTMENT OF CONSUMER PROTECTION

Concerning

SUBJECT MATTER OF REGULATION

Nonresident Pharmacies and

Medical Practitioners

Section 1. Section 21a-254-2 of the Regulations of Connecticut State Agencies is amended to read as follows:

As used in sections 21a-254-2 to 21a-254-7, inclusive, of the Regulations of Connecticut State Agencies:

(1) "Controlled substance" means "controlled substance" as defined in section 21a-240 of the Connecticut General Statutes;

(2) "Department" means the Department of Consumer Protection;

(3) "Dispenser" means "dispenser" as defined in section 21a-240 of the Connecticut General Statutes;

(4) "Nonresident pharmacy" means a "nonresident pharmacy" as defined in section 20-627 of the Connecticut General Statutes;

[(3)] (5) "Pharmacy" means "pharmacy" as defined in section 20-571 of the Connecticut General Statutes, or a pharmacy located in a hospital, long term care facility or correctional facility; and

[(4)] (6) "Practitioner" means "Prescribing practitioner" as defined in section 20-571 of the Connecticut General Statutes.

Sec. 2. Section 21a-254-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

A pharmacy, nonresident pharmacy or dispenser that dispenses schedule II, III, IV, and V controlled substances shall transmit the prescription or dispensing information for these controlled substances to the department. A hospital pharmacy, long term care facility pharmacy or correctional facility pharmacy shall transmit controlled prescription information for outpatients only.

Sec. 3. Section 21a-254-4 of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) A pharmacy, nonresident pharmacy or dispenser that maintains prescription or dispensing information electronically, and that dispenses a schedule II, III, IV, or V controlled substance to a person

who is not an inpatient of a hospital, correctional institution or nursing facility, shall transmit electronically to the Drug Control Division of the department the information set forth in the most recent edition of the Electronic Reporting Standard for Prescription Monitoring Programs established by the American Society for Automation in Pharmacy. A pharmacy, nonresident pharmacy or dispenser shall transmit to the department the fields listed in said reporting standard, including, but not limited to, the following:

- (1) Drug Enforcement Administration Pharmacy number;
- (2) Birth date;
- (3) Sex code;
- (4) Date prescription filled;
- (5) Prescription number;
- (6) New-refill code;
- (7) Quantity;
- (8) Days supply;
- (9) National Drug Code number;
- (10) Drug Enforcement Administration Prescriber identification number;
- (11) Date prescription written;
- (12) Number of refills authorized;
- (13) Prescription origin code;
- (14) Patient last name;
- (15) Patient first name;
- (16) Patient street address;
- (17) State;
- (18) Payment code for either cash or third-party provider; and
- (19) Drug name.

(b) A copy of the Electronic Reporting Standard for Prescription Monitoring Programs may be obtained from the American Society for Automation in Pharmacy, 492 Norristown Road, Suite 160, Blue Bell, Pennsylvania 19422. Telephone: (610) 825-7783. Website: www.asapnet.org.

(c) A pharmacy, nonresident pharmacy or dispenser that maintains prescription or dispensing information electronically shall transmit the required information by means of one of the following methods:

- (1) Electronic data transmission through a computer modem that can transmit information at a rate of 2400 baud or more;
- (2) Computer disc; or
- (3) Magnetic tape of the kind that is used to transmit information between computerized systems.

(d) A pharmacy, nonresident pharmacy or dispenser that does not maintain prescription or dispensing information electronically, and that dispenses a schedule II, III, IV, or V controlled substance to a person who is not an inpatient of a hospital, correctional institution or nursing facility, shall transmit to the Drug Control Division of the department the information set forth in subsection (a) of this section on a paper form provided by the department.

(e)(1) A pharmacy, nonresident pharmacy or dispenser shall transmit to the department the information required pursuant to this section not later than:

[(A) The 20th day of the month for all prescriptions dispensed on and between the 1st and the 15th days of the month; and

(B) The 5th day of the following month for all prescriptions dispensed on and between the 16th day and the last day of the month.]

(A) The first Monday of every week; and

(B) There shall be a six day grace period following each Monday.

(2) If the reporting date falls on [weekend or] a holiday, a pharmacy, nonresident pharmacy or dispenser shall transmit the required information by the next [state of Connecticut workday] business day.

(f) A pharmacy, nonresident pharmacy or dispenser shall transmit the information required pursuant to this section in such a manner as to insure the confidentiality of the information in compliance with all federal and state statutes and regulations, including the federal Health Insurance Portability and Accountability Act of 1996.

Sec. 4. Section 21a-254-5 of the Regulations of Connecticut State Agencies is amended to read as follows:

Agents of the Drug Control Division of the department, and any department employee authorized to work with the Drug Control Division, shall evaluate the controlled substance prescription or dispensing information received from pharmacies, nonresident pharmacies and dispensers. The department shall evaluate the prescription or dispensing information for the purposes of preventing controlled substance diversion, public health initiatives, and statistical reporting.

Sec. 5. Section 21a-254-6 of the Regulations of Connecticut State Agencies is amended to read as follows:

The department may provide prescription or dispensing information obtained from pharmacies, nonresident pharmacies and dispensers to:

(a) Other regulatory, investigative or law enforcement agencies for disciplinary, civil, or criminal purposes;

(b) Practitioners, for the purpose of education in lieu of disciplinary, civil or criminal action;

(c) Practitioners and pharmacists, for the purposes of patient care, drug therapy management and monitoring of controlled substances obtained by the patient; and

(d) Public or private entities, for statistical, research, or educational purposes, provided that the privacy of patients and confidentiality of patient information is not compromised.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation."

(A) Purpose: The purpose of the proposed regulations is to add nonresident pharmacies and medical practitioners to the existing groups of medical providers and pharmacies who are subject to the existing regulations concerning the Electronic Prescription Drug Monitoring Program.

(B) Summary: Public Act No. 13-172 amended Subsection (j) of Section 21a-254 of the Connecticut General Statutes by adding nonresident pharmacies and medical practitioners to the persons or entities required to report controlled substances information to the Department of Consumer Protection. These proposed regulations amend existing regulations concerning the Electronic Prescription Drug Monitoring Program to include nonresident pharmacies and medical practitioners.

(C) Legal Effects: Medical practitioners who prescribe, dispense or administer controlled substances must obtain a registration from the Department of Consumer Protection. Nonresident pharmacies that ship drugs into Connecticut must obtain a registration from the Department of Consumer Protection. If nonresident pharmacies or medical practitioners do not comply with these proposed regulations, the Department of Consumer Protection may take enforcement action against their registrations.