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Strasbaugh
3/7/14

CS FOR HOUSE BILL NO. 324()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE KELLER

A BILL

FOR AN ACT ENTITLED

"An Act relating to the controlled substance prescription database."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1. AS 08.80.030(b) is amended to read:**

(b) In order to fulfill its responsibilities, the board has the powers necessary for implementation and enforcement of this chapter, including the power to

(1) elect a president and secretary from its membership and adopt rules for the conduct of its business;

(2) license by examination or by license transfer the applicants who are qualified to engage in the practice of pharmacy;

(3) assist the department in inspections and investigations for violations of this chapter, or of any other state or federal statute relating to the practice of pharmacy;

(4) adopt regulations to carry out the purposes of this chapter;

(5) establish and enforce compliance with professional standards and rules of conduct for pharmacists engaged in the practice of pharmacy;

(6) determine standards for recognition and approval of degree programs of schools and colleges of pharmacy whose graduates shall be eligible for licensure in this state, including the specification and enforcement of requirements for practical training, including internships;

(7) establish for pharmacists and pharmacies minimum specifications for the physical facilities, technical equipment, personnel, and procedures for the storage, compounding, and dispensing of drugs or related devices, and for the monitoring of drug therapy;

(8) enforce the provisions of this chapter relating to the conduct or competence of pharmacists practicing in the state, and the suspension, revocation, or restriction of licenses to engage in the practice of pharmacy;

(9) license and regulate the training, qualifications, and employment of pharmacy interns and pharmacy technicians;

(10) issue licenses to persons engaged in the manufacture and distribution of drugs and related devices;

(11) establish and maintain a controlled substance prescription database as provided in AS 17.30.200;

(12) establish fees for the dispensing of controlled substances as provided in AS 17.30.205.

* Sec. 2. AS 17.30.200(a) is amended to read:

(a) The controlled substance prescription database is established in the Board of Pharmacy. The purpose of the database is to contain data as described in this section regarding every prescription for a schedule IA, IIA, IIIA, IVA, or VA controlled substance under state law or a schedule I, II, III, IV, or V controlled substance under federal law dispensed in the state to a person other than those administered to a patient at a health care facility. The Department of Commerce, Community, and Economic Development shall

(1) assist the board;

(2) [AND] provide necessary staff and equipment to implement this section; and

(3) in cooperation with the board, seek funding sources other than

the state for the operation of the controlled substance prescription database.

* Sec. 3. AS 17.30.200(b) is amended to read:

(b) The pharmacist-in-charge of each licensed or registered pharmacy, regarding each schedule IA, IIA, IIIA, IVA, or VA controlled substance under state law or a schedule I, II, III, IV, or V controlled substance under federal law dispensed by a pharmacist under the supervision of the pharmacist-in-charge, and each practitioner who directly dispenses a schedule IA, IIA, IIIA, IVA, or VA controlled substance under state law or a schedule I, II, III, IV, or V controlled substance under federal law other than those administered directly to a patient at a health care facility, shall submit to the board through an electronic database or another method, by a procedure and in a format established by the board, the following information for inclusion in the database:

(1) the name of the prescribing practitioner and the practitioner's federal Drug Enforcement Administration registration number or other appropriate identifier;

(2) the date of the prescription;

(3) the date the prescription was filled and the method of payment; this paragraph does not authorize the board to include individual credit card or other account numbers in the database;

(4) the name, address, and date of birth of the person for whom the prescription was written;

(5) the name and national drug code of the controlled substance;

(6) the quantity and strength of the controlled substance dispensed;

(7) the name of the drug outlet dispensing the controlled substance;

and

(8) the name of the pharmacist or practitioner dispensing the controlled substance and other appropriate identifying information.

* Sec. 4. AS 17.30.200(c) is amended to read:

(c) The board shall maintain or contract with a database provider to maintain the database in a secure real-time [AN] electronic file [OR BY OTHER MEANS] established by the board that is accessible to a pharmacist or practitioner

to facilitate use of the database for identification of

(1) prescribing practices and patterns of prescribing and dispensing controlled substances;

(2) practitioners who prescribe controlled substances in an unprofessional or unlawful manner;

(3) individuals who receive prescriptions for controlled substances from licensed practitioners and who subsequently obtain dispensed controlled substances from a drug outlet in quantities or with a frequency inconsistent with generally recognized standards of dosage for that controlled substance; and

(4) individuals who present forged or otherwise false or altered prescriptions for controlled substances to a pharmacy.

* Sec. 5. AS 17.30.200(k) is amended to read:

(k) In the regulations adopted under this section, the board shall provide

(1) that prescription information in the database shall be purged from the database after two years have elapsed from the date the prescription was dispensed;

(2) a method for an individual to challenge information in the database about the individual that the person believes is incorrect or was incorrectly entered by a dispenser;

(3) a procedure for authorizing a pharmacist-in-charge to delegate the submission of information under (b) of this section to an employee of the pharmacist-in-charge who is licensed as a pharmacist or pharmacy technician.

* Sec. 6. AS 17.30.200 is amended by adding a new subsection to read:

(o) Notwithstanding (b) of this section, the board may provide by regulation for waiver of the requirement of electronic filing for good cause.

* Sec. 7. AS 17.30 is amended by adding a new section to article 5 to read:

Sec. 17.30.205. Fees for dispensing controlled substances. (a) The Board of Pharmacy shall adopt regulations that establish reasonable fees to be charged to a pharmacist or practitioner for dispensing controlled substances to cover the applicable direct costs relating to the board's responsibilities in maintaining and operating the controlled substance prescription database under AS 17.30.200 and procedures for the

1 collection of those fees. The fees established under this section shall include a late
2 payment fee if the fee required for dispensing a controlled substance is not paid when
3 required by the board.

4 (b) In this section, "direct cost" has the meaning given in AS 37.10.058.