

SENATE BILL NO. 196

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY SENATORS GREEN, Ellis

Introduced: 1/16/08

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to establishing a controlled substance prescription database."**

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

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

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

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

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

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

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

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

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

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

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

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

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

16 **(11) establish and maintain a controlled substance prescription**
17 **database as provided in AS 17.30.200.**

18 * **Sec. 2.** AS 17.30 is amended by adding a new section to read:

19 **Article 4A. Controlled Substance Prescription Database.**

20 **Sec. 17.30.200. Controlled substance prescription database.** (a) The
21 controlled substance prescription database is established in the Board of Pharmacy.
22 The purpose of the database is to contain data as described in this section regarding
23 every prescription for a schedule IA, IIA, IIIA, IVA, or VA controlled substance under
24 state law or a schedule I, II, III, IV, or V controlled substance under federal law
25 dispensed in the state to a person other than an inpatient in a licensed health care
26 facility. The Department of Commerce, Community, and Economic Development
27 shall assist the board and provide necessary staff and equipment to implement this
28 section.

29 (b) The pharmacist-in-charge of each licensed or registered pharmacy,
30 regarding each schedule IA, IIA, IIIA, IVA, or VA controlled substance under state
31 law or a schedule I, II, III, IV, or V controlled substance under federal law dispensed

1 by a pharmacist under the supervision of the pharmacist-in-charge, and each
 2 practitioner who directly dispenses a schedule IA, IIA, IIIA, IVA, or VA controlled
 3 substance under state law or a schedule I, II, III, IV, or V controlled substance under
 4 federal law other than those dispensed for an inpatient at a health care facility, shall
 5 submit to the board, by a procedure and in a format established by the board, the
 6 following information for inclusion in the database:

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

10 (2) the date of the prescription;

11 (3) the date the prescription was filled and the method of payment;

12 (4) the name and address of the person for whom the prescription was
 13 written and the name and address of the person who picked up the prescription;

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

15 (6) the quantity and strength of the controlled substance prescribed or
 16 dispensed;

17 (7) the dosage, quantity, and frequency as prescribed;

18 (8) the name of the drug outlet dispensing the controlled substance;

19 (9) the name of the pharmacist or practitioner dispensing the controlled
 20 substance and other appropriate identifying information; and

21 (10) other relevant information as required by the board.

22 (c) The board shall maintain the database in an electronic file or by other
 23 means established by the board to facilitate use of the database for identification of

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

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

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

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

3 (d) The database and the information contained within the database are
4 confidential, are not public records, and are not subject to public disclosure. The board
5 may allow access to the database only to the following persons, and in accordance
6 with the limitations provided and regulations of the board:

7 (1) personnel of the board regarding inquiries concerning licensees or
8 registrants of the board or personnel of another board or agency regarding license
9 inquiries concerning a practitioner;

10 (2) authorized board personnel or contractors as required for
11 operational and review purposes;

12 (3) a licensed practitioner having authority to prescribe controlled
13 substances, to the extent the information relates specifically to a current patient of the
14 practitioner to whom the practitioner is prescribing or considering prescribing a
15 controlled substance;

16 (4) a licensed or registered pharmacist having authority to dispense
17 controlled substances, to the extent the information relates specifically to a current
18 patient to whom the pharmacist is dispensing or considering dispensing a controlled
19 substance;

20 (5) federal, state, and local law enforcement authorities engaged as a
21 specified duty of their employment in enforcing laws regulating controlled substances
22 may receive printouts of information contained in the database after having made
23 application to the board by affidavit, subpoena, or court order establishing probable
24 cause for the access and use of the information; and

25 (6) an individual who is the recipient of a controlled substance
26 prescription entered into the database may receive information contained in the
27 database concerning the individual on providing evidence satisfactory to the board that
28 the individual requesting the information is in fact the person about whom the data
29 entry was made and on payment of a fee set by the board under AS 37.10.050 that
30 does not exceed \$10.

31 (e) The failure of a pharmacist-in-charge, pharmacist, or practitioner to submit

1 information to the database as required under this section is grounds for the board to
2 take disciplinary action against the license or registration of the pharmacy or
3 pharmacist or for another licensing board to take disciplinary action against a
4 practitioner.

5 (f) An individual who has submitted information to the database in accordance
6 with this section may not be held civilly liable for having submitted the information.

7 (g) A person who intentionally discloses information in the database without
8 authority or allows an unauthorized person access to the database commits a class A
9 misdemeanor. A person who intentionally obtains unauthorized access to the database
10 or alters or destroys information in the database without authority commits a class C
11 felony.

12 (h) In this section,

13 (1) "board" means the Board of Pharmacy;

14 (2) "database" means the controlled substance prescription database
15 established in this section;

16 (3) "pharmacist-in-charge" has the meaning given in AS 08.80.480.