

## HB 1123 -- Controlled Substances Monitoring Act

Sponsor: Cooper

This bill establishes the Controlled Substances Monitoring Act, which requires the Department of Health and Senior Services, subject to appropriations, to establish and maintain a program to monitor the prescribing and dispensing of all Schedule II, III, IV, and V controlled substances. In its main provisions, the bill:

- (1) Exempts a Schedule V controlled substance that contains any detectable amount of pseudoephedrine that does not require a prescription;
- (2) Requires the dispenser to submit electronically to the department information regarding each dispensing of a controlled substance and specifies the information to be included in the electronic communication;
- (3) Requires the department to determine the frequency for information submission, except that dispensers are required to report at least every 30 days between the first and fifteenth of the month following the month in which the drug was dispensed;
- (4) Authorizes the department to issue a waiver to any dispenser who is unable to submit information electronically and allows them to submit the information in an alternative format;
- (5) Specifies that dispensing information submitted to the department will be confidential and will not be subject to public disclosure and requires the department to maintain procedures to ensure the privacy and confidentiality of patients and patient information. These provisions will not apply when the department believes a violation of law or a breach of standards has occurred;
- (6) Authorizes the department to provide program-related data to persons authorized to prescribe or dispense controlled substances to provide medical or pharmaceutical care for their patients; an individual requesting his or her own information; the State Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration; any state professional regulating board; law enforcement or prosecutorial officials on a specific case or under court order; the departments of Social Services, Health and Senior Services, and Mental Health under specified conditions; and a judge or other judicial authority under a court order;
- (7) Authorizes the department to provide public or private

entities with data for statistical, research, or educational purposes after removing individual identifying information;

(8) Specifies that dispensers and prescribers will not be liable for damages as a result of accessing or failing to access the information in the program;

(9) Authorizes the department to contract with another state agency or private vendor to operate the program;

(10) Specifies that any contractor, person, or other entity who knowingly discloses controlled substance monitoring information will be guilty of a class A misdemeanor for the first offense and a class D felony for a subsequent offense and will be liable for a civil penalty to the state of up to \$25,000 for each violation;

(11) Specifies that a dispenser who knowingly fails to submit controlled substance monitoring information or knowingly submits incorrect prescription information to the department will be guilty of a class A misdemeanor; and

(12) Requires the department to establish specified education courses for individuals who are authorized to access the program and, when appropriate, when developing the content of the courses to work with associations for impaired professionals to ensure intervention, treatment, and ongoing monitoring and follow-up.

The provisions of the bill become effective January 1, 2010.