

CS FOR HOUSE BILL NO. 324(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 3/21/14

Referred: Finance

Sponsor(s): REPRESENTATIVE KELLER

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the 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 **(12) establish fees for the dispensing of controlled substances as**
19 **provided in AS 17.30.205.**

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

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

28 **(1) assist the board;**

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

31 **(3) in cooperation with the board, seek funding sources for the**

1 **operation of the controlled substance prescription database.**

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

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

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

16 (2) the date of the prescription;

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

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

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

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

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

25 and

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

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

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

1 to facilitate use of the database for identification of

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

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

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

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

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

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

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

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

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

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

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

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

27 **Sec. 17.30.205. Fees for dispensing controlled substances.** (a) The Board of
28 Pharmacy shall adopt regulations that establish reasonable fees to be charged to a
29 pharmacist or practitioner for dispensing controlled substances to cover the applicable
30 direct costs relating to the board's responsibilities in maintaining and operating the
31 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.