

FIRST REGULAR SESSION

HOUSE BILL NO. 1023

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HILL.

1195H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 195, RSMo, by adding thereto three new sections relating to a prescription writers monitoring program, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 195, RSMo, is amended by adding thereto three new sections, to be known as sections 195.575, 195.577, and 195.583, to read as follows:

195.575. 1. For purposes of sections 195.575 to 195.583, the following terms shall mean:

(1) "Controlled substance", the same meaning given to such term in section 195.010;

(2) "Department", the department of health and senior services;

(3) "Health care provider", any health care provider licensed to prescribe controlled substances in this state;

(4) "Patient", a person who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed; except that, "patient" shall not include a hospice patient enrolled in a Medicare-certified hospice program who has controlled substances dispensed to him or her by such hospice program.

2. The department shall establish a program to monitor the prescription of all controlled substances by all health care providers.

3. All health care providers shall report all prescriptions for controlled substances prescribed by the provider and the number of patients seen annually to the department in the manner and format determined by the department. In reporting such information to the department, any information regarding the prescription that could be used to identify

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 the patient who received the prescription shall be removed. Any health care provider who
19 violates the provisions of this subsection shall be subject to a fine of five hundred dollars.
20 One year after the effective date of this section and annually thereafter, the department
21 shall compile the total number of prescriptions for controlled substances submitted by
22 health care providers.

23 4. The department may promulgate rules to implement the provisions of sections
24 195.575 to 195.583. Any rule or portion of a rule, as that term is defined in section 536.010,
25 that is created under the authority delegated in this section shall become effective only if
26 it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
27 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
28 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
29 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
30 grant of rulemaking authority and any rule proposed or adopted after August 28, 2017,
31 shall be invalid and void.

195.577. 1. The department may monitor the number or amount of controlled
2 substances prescribed by health care providers. The bureau of narcotics and dangerous
3 drugs shall have access to the information submitted to the department under section
4 195.575 and may conduct an investigation if abuse is suspected. Upon a finding of abuse,
5 the bureau of narcotics and dangerous drugs shall notify the board of registration for the
6 healing arts.

7 2. The board of registration for the healing arts shall regulate and may promulgate
8 rules to implement the provisions of this section. Any rule or portion of a rule, as that term
9 is defined in section 536.010, that is created under the authority delegated in this section
10 shall become effective only if it complies with and is subject to all of the provisions of
11 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
12 nonseverable, and if any of the powers vested with the general assembly pursuant to
13 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
14 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
15 proposed or adopted after August 28, 2017, shall be invalid and void.

16 3. The board of registration for the healing arts shall conduct an investigation of
17 any health care provider who provides more than an average of three controlled substance
18 prescriptions per patient per year. The board of registration for the healing arts may
19 suspend the license of any health care provider who violates the provisions of this section.
20 The board shall notify the health care provider in writing of the reasons for the suspension
21 and shall advise the provider of the provider's right to request a hearing with the
22 administrative hearing commission, as provided by chapter 621, within thirty days of

23 receiving such notice. If no written request for a hearing is received by the administrative
24 hearing commission within the thirty-day period, the right to seek review of the board's
25 decision shall be considered waived.

195.583. The department shall seek any necessary waivers from the Department of
2 Health and Human Services to implement the provisions of sections 195.575 and 195.577
3 regarding prohibiting coverage for prescription controlled substances under MO
4 HealthNet.

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