

SECOND REGULAR SESSION

HOUSE BILL NO. 987

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WARD (Sponsor) AND PAGE (Co-sponsor).

Read 1st time January 8, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3455L.011

AN ACT

To amend chapter 195, RSMo, by adding thereto six new sections relating to a prescription monitoring program, with penalty provisions and an effective date.

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

Section A. Chapter 195, RSMo, is amended by adding thereto six new sections, to be
2 known as sections 195.450, 195.453, 195.456, 195.459, 195.462, and 195.465, to read as
3 follows:

195.450. 1. Sections 195.450 to 195.465 shall be known and may be cited as the
2 **"Prescription Monitoring Program Act".**

3 **2. As used in sections 195.450 to 195.465, the following terms mean:**

4 **(1) "Controlled substance", the same meaning given such term in section 195.010,**
5 **RSMo;**

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

7 **(3) "Dispenser", a person who delivers a schedule II, III, IV, or V controlled**
8 **substance to the ultimate user, but does not include:**

9 **(a) A licensed hospital pharmacy that distributes such substances for the purpose**
10 **of inpatient hospital care or the dispensing of prescriptions for controlled substances at the**
11 **time of discharge from such facility;**

12 **(b) A practitioner or other authorized person who administers such a substance;**
13 **or**

14 **(c) A wholesale distributor of a schedule II, III, IV, or V controlled substance;**

15 **(4) "Patient", a person or animal who is the ultimate user of a drug for whom a**
16 **prescription is issued or for whom a drug is dispensed;**

17 **(5) "Schedule II, III, IV, or V controlled substance", a controlled substance that**

18 is listed in schedules II, III, IV, or V of the schedules provided under this chapter or the
19 Federal Controlled Substances Act, 21 U.S.C. Section 812.

20 **195.453. 1. The department of health and senior services shall establish and**
21 **maintain a program for the monitoring of prescribing and dispensing of all schedule II, III,**
22 **IV, and V controlled substances by all professionals licensed to prescribe or dispense such**
23 **substances in this state.**

24 **2. Each dispenser shall submit to the department by electronic means information**
25 **regarding each prescription dispensed for a drug included in subsection 1 of this section.**
26 **The information submitted for each prescription shall include, but not be limited to:**

- 27 (1) The dispenser identification number;
- 28 (2) The date the prescription is filled;
- 29 (3) The prescription number;
- 30 (4) Whether the prescription is new or a refill;
- 31 (5) The NDC code for the drug dispensed;
- 32 (6) The quantity dispensed;
- 33 (7) The patient identification number;
- 34 (8) The patient's name, address, and date of birth;
- 35 (9) The prescriber identification number;
- 36 (10) The date the prescription is issued by the prescriber;
- 37 (11) The person who receives the prescription from the dispenser, if other than the
38 patient; and
- 39 (12) The source of payment for the prescription.

40 **3. Each dispenser shall submit the information in accordance with transmission**
41 **methods and frequency established by the department; except that, each dispenser shall**
42 **report at least every thirty days between the first and fifteenth of the month following the**
43 **month the prescription was dispensed.**

44 **4. The department may issue a waiver to a dispenser that is unable to submit**
45 **prescription information by electronic means. Such waiver may permit the dispenser to**
46 **submit prescription information by paper form or other means, provided all information**
47 **required in subsection 2 of this section is submitted in such alternative format.**

48 **195.456. 1. Prescription information submitted to the department shall be**
49 **confidential and not subject to public disclosure under section 610, RSMo, except as**
50 **provided in subsections 3 to 5 of this section.**

51 **2. The department shall maintain procedures to ensure that the privacy and**
52 **confidentiality of patients and patient information collected, recorded, transmitted, and**
53 **maintained is not disclosed to persons except as provided in subsections 3 to 5 of this**

7 section.

8 **3. The department shall review the prescription information and, if there is**
9 **reasonable cause to believe a violation of law or breach of professional standards may have**
10 **occurred, the department shall notify the appropriate law enforcement or professional**
11 **licensing, certification, or regulatory agency or entity, and provide prescription**
12 **information required for an investigation.**

13 **4. The department may provide data in the prescription monitoring program to the**
14 **following persons:**

15 **(1) Persons authorized to prescribe or dispense controlled substances for the**
16 **purpose of providing medical or pharmaceutical care for their patients;**

17 **(2) An individual who requests his or her own prescription monitoring information**
18 **in accordance with state law;**

19 **(3) The state board of pharmacy;**

20 **(4) Local, state, and federal law enforcement or prosecutorial officials engaged in**
21 **the administration, investigation, or enforcement of the laws governing licit drugs;**

22 **(5) The family support division within the department of social services regarding**
23 **Medicaid program recipients;**

24 **(6) A judge or other judicial authority under a subpoena or court order; and**

25 **(7) Personnel of the department of health and senior services for the administration**
26 **and enforcement of sections 195.450 to 195.465.**

27 **5. The department may provide data to public or private entities for statistical,**
28 **research, or educational purposes after removing information that could be used to identify**
29 **individual patients or persons who received prescriptions from dispensers.**

195.459. The department is authorized to contract with any other agency of this
2 **state or with a private vendor, as necessary, to ensure the effective operation of the**
3 **prescription monitoring program. Any contractor shall comply with the provisions**
4 **regarding confidentiality of prescription information in section 195.456.**

195.462. The department shall promulgate rules setting forth the procedures and
2 **methods of implementing sections 195.450 to 195.465. No rule or portion of a rule**
3 **promulgated pursuant to the authority of sections 195.450 to 195.465 shall become effective**
4 **unless it has been promulgated pursuant to chapter 536, RSMo.**

195.465. 1. A dispenser who knowingly fails to submit prescription monitoring
2 **information to the department as required in sections 195.450 to 195.465 or knowingly**
3 **submits the incorrect prescription information is guilty of a class A misdemeanor.**

4 **2. A person authorized to have prescription monitoring information under sections**
5 **195.450 to 195.465 who knowingly discloses such information in violation of sections**

6 **195.450 to 195.465 or who uses such information in a manner and for a purpose in**
7 **violation of sections 195.450 to 195.465 is guilty of a class A misdemeanor.**

Section B. Section A of this act shall become effective January 1, 2005.