

ASSEMBLY BILL NO. 446—ASSEMBLYMEN DENIS AND LESLIE

MARCH 19, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the tracking of prescriptions for controlled substances. (BDR 54-928)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to prescriptions; revising provisions governing the tracking of prescriptions for controlled substances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides for the creation of a computerized program to track
2 prescriptions for controlled substances listed in schedule II, III or IV. (NRS
3 453.1545) **Section 1** of this bill requires a practitioner, under certain circumstances,
4 before he writes a prescription for such a controlled substance for a patient, to
5 obtain a patient utilization report concerning the patient from the computerized
6 program to ensure that the patient does not already have a prescription for that
7 controlled substance. **Section 2** of this bill provides that each practitioner who is
8 authorized to write prescriptions for controlled substances listed in schedule II, III
9 or IV must have Internet access to the database of the computerized program.
10 **Section 3** of this bill requires the State Board of Pharmacy to report to the
11 Legislature concerning the implementation of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 639 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *A practitioner shall, before he writes a prescription for a*
4 *controlled substance listed in schedule II, III or IV for a patient,*
5 *obtain a patient utilization report regarding the patient for the*
6 *preceding 12 months from the computerized program established*
7 *by the Board and the Investigation Division of the Department of*



* A B 4 4 6 R 2 *

Public Safety pursuant to NRS 453.1545 if the practitioner has a reasonable belief that the patient may be seeking the controlled substance, in whole or in part, for any reason other than the treatment of an existing medical condition and:

1. The patient is a new patient of the practitioner; or

2. The patient has not received any prescription for a controlled substance from the practitioner in the preceding 12 months.

↪ The practitioner shall review the patient utilization report to assess whether the prescription for the controlled substance is medically necessary.

Sec. 2. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Division, the Health Division of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

2. The Board shall provide each practitioner who is authorized to write prescriptions for controlled substances listed in schedule II, III or IV with Internet access to the database of the program established pursuant to subsection 1 to carry out the provisions of section 1 of this act.

3. The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

~~3.1~~ 4. The Board or the Division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board



* A B 4 4 6 R 2 *

1 with the relevant information obtained from the program for further
2 investigation.

3 ~~4.1~~ 5. Information obtained from the program relating to a
4 practitioner or a patient is confidential and, except as otherwise
5 provided by this section, must not be disclosed to any person. That
6 information must be disclosed:

7 (a) Upon the request of a person about whom the information
8 requested concerns or upon the request on his behalf by his attorney;
9 or

10 (b) Upon the lawful order of a court of competent jurisdiction.

11 ~~5.1~~ 6. The Board and the Division may apply for any available
12 grants and accept any gifts, grants or donations to assist in
13 developing and maintaining the program required by this section.

14 **Sec. 3.** The State Board of Pharmacy shall, on or before
15 February 1, 2009, submit a report concerning the implementation of
16 this act to the Director of the Legislative Counsel Bureau for
17 transmittal to the Legislature.

