

ASSEMBLY BILL NO. 326—ASSEMBLYMAN DENIS

MARCH 13, 2009

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing controlled substances.
(BDR 40-558)

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

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

AN ACT relating to controlled substances; revising provisions governing the tracking of prescriptions for controlled substances; requiring the Legislative Committee on Health Care to conduct a study of the abuse of prescription narcotic drugs in this State; 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. **Section 7** of
3 this bill requires that the database of the computerized program be made available
4 on the Internet to persons who are authorized to dispense controlled substances in
5 this State. **Section 7** further requires that the computerized program contain the
6 contact information of each practitioner and person authorized to dispense
7 controlled substances who elects to access the database of the program. In addition,
8 **section 7** requires the Board and the Investigation Division of the Department of
9 Public Safety to establish a course of training in the computerized program and
10 further requires that a person complete the course of training before the Board
11 provides the person with access to the database of the program. (NRS 453.1545)

12 **Section 9** of this bill requires the Legislative Committee on Health Care to
13 conduct a study of the abuse of prescription narcotic drugs and the manner of
14 monitoring and addressing such abuse in this State and to submit a written report to
15 the Director of the Legislative Counsel Bureau for transmittal to the next regular
16 session of the Legislature on or before January 15, 2011.



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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 4.** (Deleted by amendment.)

5 **Sec. 5.** (Deleted by amendment.)

6 **Sec. 6.** (Deleted by amendment.)

7 **Sec. 7.** NRS 453.1545 is hereby amended to read as follows:

8 453.1545 1. The Board and the Division shall cooperatively
9 develop a computerized program to track each prescription for a
10 controlled substance listed in schedule II, III or IV that is filled by
11 a pharmacy that is registered with the Board or that is dispensed by
12 a practitioner who is registered with the Board. The program must:

13 (a) Be designed to provide information regarding:

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

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

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

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

27 ***(d) Include the contact information of each person who elects***
28 ***to access the database of the program pursuant to subsection 2,***
29 ***including, without limitation:***

30 ***(1) The name of the person;***

31 ***(2) The physical address of the person;***

32 ***(3) The telephone number of the person; and***

33 ***(4) If the person maintains an electronic mail address, the***
34 ***electronic mail address of the person.***

35 2. The Board shall provide ~~each practitioner who is authorized~~
36 ~~to write prescriptions for controlled substances listed in schedule II,~~
37 ~~III or IV with~~ Internet access to the database of the program
38 established pursuant to subsection 1 to ~~carry out the provisions of~~
39 ~~NRS 639.23507.~~ ***each practitioner who is authorized to write***
40 ***prescriptions for and each person who is authorized to dispense***
41 ***controlled substances listed in schedule II, III or IV who:***

42 ***(a) Elects to access the database of the program; and***



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(b) Completes the course of instruction described in subsection 6.

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.

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

5. Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, must not be disclosed to any person. That information must be disclosed:

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

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

6. The Board and the Division shall cooperatively develop a course of training for persons who elect to access the database of the program pursuant to subsection 2 and require each such person to complete the course of training before he is provided with Internet access to the database pursuant to subsection 2.

7. The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Sec. 8. (Deleted by amendment.)

Sec. 9. The Legislative Committee on Health Care shall:

1. In cooperation with the State Board of Pharmacy, the Board of Medical Examiners and the State Board of Osteopathic Medicine, conduct a study of the abuse of prescription narcotic drugs and the manner of monitoring and addressing the abuse of prescription narcotic drugs in this State; and

2. On or before January 15, 2011, submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the abuse of prescription narcotic drugs and the manner of monitoring and addressing the abuse of prescription narcotic drugs in this State.

Sec. 10. This act becomes effective on July 1, 2009.

