

SENATE BILL NO. 114—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON HEALTH CARE)

PREFILED FEBRUARY 3, 2011

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to controlled substances.
(BDR 40-190)

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

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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; requiring certain reports made by the Investigation Division of the Department of Public Safety to be transmitted to the Legislative Committee on Health Care; authorizing the exchange of certain information concerning controlled substances with other states under certain circumstances; providing civil and criminal immunity to certain persons who provide to the State Board of Pharmacy and the Division certain information concerning controlled substances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Investigation Division of the Department of Public Safety to provide to the Legislative Committee on Health Care a copy of the annual report concerning the distribution and abuse of controlled substances.

Existing law requires the State Board of Pharmacy and the Division to develop a computerized system to track prescriptions for controlled substances listed in schedules II, III and IV. (NRS 453.1545) **Section 2** of this bill authorizes the Board and the Division to enter into a written agreement with an appropriate agency in another state to provide, receive or exchange information obtained from Nevada's computerized system with a similar system to track prescriptions for controlled substances in that state. **Section 2** also provides immunity from criminal and civil liability for certain persons who, in good faith, provide to the Division or Board reports or information related to the computerized system.



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

1 **Section 1.** NRS 453.154 is hereby amended to read as follows:

2 453.154 1. In this section, "diversion" means the transfer of a
3 controlled substance from a lawful to an unlawful channel of
4 distribution or use.

5 2. The Division shall regularly prepare and make available to
6 other state regulatory, licensing and law enforcement agencies a
7 report on the patterns and trends of distribution, diversion and abuse
8 of controlled substances.

9 3. The Board and the Division may enter into written
10 agreements with local, state and federal agencies to improve
11 identification of sources of diversion and to improve enforcement of
12 and compliance with NRS 453.011 to 453.348, inclusive, and other
13 laws and regulations pertaining to unlawful conduct involving
14 controlled substances. An agreement must specify the roles and
15 responsibilities of each agency that has information or authority to
16 identify, prevent or control diversion and abuse of controlled
17 substances. The Board and the Division may convene periodic
18 meetings to coordinate a state program to prevent and control
19 diversion. The Board and the Division may arrange for cooperation
20 and exchange of information among agencies and with other states
21 and the Federal Government.

22 4. The Division shall report annually to the Governor *and the*
23 *Legislative Committee on Health Care* and biennially to the
24 presiding officer of each house of the Legislature on the outcome of
25 the program with respect to its effect on distribution and abuse of
26 controlled substances, including recommendations for improving
27 control and prevention of the diversion of controlled substances in
28 this State.

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

30 453.1545 1. The Board and the Division shall cooperatively
31 develop a computerized program to track each prescription for a
32 controlled substance listed in schedule II, III or IV that is filled by a
33 pharmacy that is registered with the Board or that is dispensed by
34 a practitioner who is registered with the Board. The program must:

35 (a) Be designed to provide information regarding:

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

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



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(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.

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

(1) The name of the person;

(2) The physical address of the person;

(3) The telephone number of the person; and

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

2. The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to each practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who:

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

(b) Completes the course of instruction described in subsection ~~6.~~ 7.

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. *The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to subsection 1, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.*



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

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

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

9 ~~16.1~~ 7. The Board and the Division shall cooperatively develop
10 a course of training for persons who elect to access the database of
11 the program pursuant to subsection 2 and require each such person
12 to complete the course of training before the person is provided with
13 Internet access to the database pursuant to subsection 2.

14 ~~17.1~~ 8. *A practitioner who is authorized to write prescriptions*
15 *for each person who is authorized to dispense controlled*
16 *substances listed in schedule II, III or IV who in good faith*
17 *transmits to the Board or the Division a report or information*
18 *required by this section or a regulation adopted pursuant thereto is*
19 *immune from civil and criminal liability relating to such action.*

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

