

SENATE BILL NO. 114—SENATOR HARDY

PREFILED FEBRUARY 1, 2015

Referred to Committee on Health and Human Services

SUMMARY—Makes changes relating to prescriptions for certain controlled substances. (BDR 40-239)

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; requiring the computerized program to track prescriptions of controlled substances developed by the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to include certain information; authorizing access to such information for certain purposes; requiring the Board and the Division to use such information for certain purposes; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law requires the State Board of Pharmacy and the Investigation  
2 Division of the Department of Public Safety to cooperatively develop a  
3 computerized program to track prescriptions for certain controlled substances that  
4 are filled by a pharmacy or dispensed by a practitioner that is registered with the  
5 Board. This program is required to be designed to provide certain information  
6 concerning the use of controlled substances, including data relating to the use of  
7 controlled substances that is not specific to a particular patient. The Board and  
8 Division use the program to identify any suspected fraudulent or illegal activity  
9 related to the dispensing of controlled substances and are required to report such  
10 activity to the appropriate law enforcement agency or occupational licensing board.  
11 (NRS 453.1545) This bill expands the information that this computerized system is  
12 required to be designed to provide to also include data relating to the prescribing of  
13 controlled substances that is specific to a particular patient. This bill also requires  
14 the Board and the Division to monitor the prescription activity of prescribing  
15 practitioners for certain controlled substances and notify a practitioner if he or she  
16 has written a certain comparatively high number of such prescriptions. Finally, this  
17 bill authorizes access to information concerning particular patients to: (1) the Board  
18 and the Division for the purpose of such monitoring; and (2) a practitioner who has



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19 received such notice from the Board for the purpose of confirming the accuracy of  
20 information contained in the notice.

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

1     **Section 1.** NRS 453.1545 is hereby amended to read as  
2 follows:

3     453.1545 1. The Board and the Division shall cooperatively  
4 develop a computerized program to track each prescription for a  
5 controlled substance listed in schedule II, III or IV that is filled by a  
6 pharmacy that is registered with the Board or that is dispensed by  
7 a practitioner who is registered with the Board. The program must:

8     (a) Be designed to provide information regarding:

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

13     (2) Statistical data relating to the use of those controlled  
14 substances that is not specific to a particular patient ~~and~~; and

15     (3) *Data relating to the prescribing of those controlled*  
16 *substances that is specific to a particular patient, access to which*  
17 *must be restricted to persons who are authorized to access such*  
18 *information for the purposes set forth in subsections 3, 4 and 5.*

19     (b) Be administered by the Board, the Investigation Division,  
20 the Division of Public and Behavioral Health of the Department and  
21 various practitioners, representatives of professional associations for  
22 practitioners, representatives of occupational licensing boards and  
23 prosecuting attorneys selected by the Board and the Investigation  
24 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 to  
28 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 Internet access to the database of  
36 the program established pursuant to subsection 1 to each practitioner  
37 who is authorized to write prescriptions for and each person who is  
38 authorized to dispense controlled substances listed in schedule II, III  
39 or IV who:



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- (a) Elects to access the database of the program; and
- (b) Completes the course of instruction described in subsection

~~17-1~~ 9.

3. *A practitioner who is provided Internet access to the database of the program pursuant to subsection 2 must, for the purposes of complying with the provisions of subsection 5, be provided access to information specific to the prescriptions for controlled substances listed in schedule II, III or IV written by the practitioner, including, without limitation, the name of each patient for whom the practitioner has written such a prescription and, for each such patient:*

(a) *The date on which the prescription was written by the practitioner;*

(b) *The name, dosage and amount of the controlled substance prescribed by the practitioner; and*

(c) *The number of refills authorized and filled for the controlled substance.*

4. 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.

~~14-1~~ 5. *The Board and the Division shall access the program established pursuant to subsection 1 to monitor the prescription activity of practitioners authorized to write prescriptions for controlled substances listed in schedule II, III or IV, and to tabulate and compare the number of such prescriptions written monthly by each practitioner in a particular medical specialty or other category established by the Board for this purpose. When the number of such prescriptions written in a month by any practitioner exceeds the monthly average of 95 percent of the other practitioners in that specialty or category, the Board shall notify the practitioner in writing and via electronic mail, if available. Within 10 days after receiving such notice from the Board, the practitioner shall:*

(a) *Review the information described in subsection 3 to determine the accuracy of the information; and*

(b) *Submit a written report to the Board, on a form approved by the Board, of the accuracy of the information or identifying any inaccuracies in the information.*

6. 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.



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1     ~~15-1~~ 7. The Board and the Division may cooperatively enter  
2 into a written agreement with an agency of any other state to  
3 provide, receive or exchange information obtained by the program  
4 with a program established in that state which is substantially  
5 similar to the program established pursuant to subsection 1,  
6 including, without limitation, providing such state access to the  
7 database of the program or transmitting information to and receiving  
8 information from such state. Any information provided, received or  
9 exchanged as part of an agreement made pursuant to this section  
10 may only be used in accordance with the provisions of this chapter.

11     ~~16-1~~ 8. Information obtained from the program relating to a  
12 practitioner or a patient is confidential and, except as otherwise  
13 provided by this section and NRS 239.0115, must not be disclosed  
14 to any person. That information must be disclosed:

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

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

19     ~~17-1~~ 9. The Board and the Division shall cooperatively develop  
20 a course of training for persons who elect to access the database of  
21 the program pursuant to subsection 2 and require each such person  
22 to complete the course of training before the person is provided with  
23 Internet access to the database pursuant to subsection 2.

24     ~~18-1~~ 10. A practitioner who is authorized to write prescriptions  
25 for and each person who is authorized to dispense controlled  
26 substances listed in schedule II, III or IV who acts with reasonable  
27 care when transmitting to the Board or the Division a report or  
28 information required by this section or a regulation adopted pursuant  
29 thereto is immune from civil and criminal liability relating to such  
30 action.

31     ~~19-1~~ 11. The Board and the Division may apply for any  
32 available grants and accept any gifts, grants or donations to assist in  
33 developing and maintaining the program required by this section.

