HOUSE BILL 592

Introduced by Cromley

2/04	Introduced
2/04	Referred to Human Services & Aging
2/04	First Reading
2/04	Fiscal Note Requested
2/08	Fiscal Note Received
2/11	Fiscal Note Printed
3/08	Hearing
3/12	Tabled in Committee

HOUSE BILL NO. 592

INTRODUCED BY Crosby

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR PRESCRIPTION MONITORING OF CONTROLLED SUBSTANCES THROUGH THE USE OF STATE-ISSUED TRIPLICATE PRESCRIPTION FORMS; AND AMENDING SECTION 50-32-208, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 2] grants rulemaking authority to the board of pharmacy. In implementing [section 2], the board should base its rules on the rules adopted by the state of Texas to implement Section 481.075 of Vernon's Texas Codes Annotated.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-32-208, MCA, is amended to read:

"**50-32-208. Prescription and medical requirements for scheduled drugs -- penalty.** (1) No dangerous drug in Schedule II may be dispensed without the written prescription of a practitioner. The written prescription must meet the requirements of [section 2].

(2) In emergency situations, as defined by rule of the board, Schedule II drugs may be dispensed upon a practitioner's oral prescription reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of 50-32-309. No prescription for a Schedule II drug may be refilled.

(3) A dangerous drug included in Schedule III or IV, which is a prescription drug as determined under the federal or Montana food, drug, and cosmetic acts, shall not be dispensed without a written or oral prescription of a practitioner. The prescription shall not be filled or refilled more than 6 months after the date thereof or be refilled more than five times unless renewed by the practitioner.

(4) A dangerous drug included in Schedule V shall not be distributed or dispensed other than for a medical purpose.

(5) Any person who violates the provisions of this section is guilty of a misdemeanor and upon conviction may be fined not to exceed $1,000 or be imprisoned in county jail for a term not to exceed 1 year, or both fined and imprisoned."

NEW SECTION. **Section 2. Triplicate prescriptions -- procedure -- exemption -- rulemaking.** (1) A practitioner who prescribes a controlled substance listed in Schedule II shall record the prescription on a prescription form that meets the requirements of subsection (2). The board shall issue the forms to practitioners only, for a fee covering:

(a) the actual cost of printing and processing the forms, mailing containers, and binders; and

(b) the actual cost of mailing the forms.

(2) Each prescription form used to prescribe a controlled substance must be printed on distinctive paper. The serial number of the drug group must be shown on each form. Each form must be serially numbered and must be in triplicate, with the original copy labeled "Copy 1", the duplicate copy labeled "Copy 2", and the triplicate copy labeled "Copy 3". Before delivering triplicate prescription forms to a practitioner, the board shall print on the forms the practitioner's name, address, board registration number, and federal drug enforcement administration number. Each form must contain spaces for:

(a) the date the prescription is written;

(b) the date the prescription is filled;

(c) the drug prescribed, the dosage, and instructions for use;

(d) the name, address, and federal drug enforcement administration number of the dispensing pharmacy and the name of the pharmacist who fills the prescription; and

(e) the name, address, and age of the person for whom the drug is prescribed.

(3) Only one prescription may be recorded on a prescription form.

(4) Except for emergency oral prescriptions of Schedule II drugs permitted by 50-32-208, the prescribing practitioner shall:

(a) legibly fill in, or direct a designated agent to legibly fill in, on all three copies of the form in the space provided:

(i) the date the prescription is written;

(ii) the drug prescribed; the quantity, shown numerically followed by the number written as a word; and instructions for use; and

(iii) the name, address, and age of the patient or, in the case of an animal, its owner, for whom the controlled substance is prescribed;

(b) sign copies 1 and 2 of the form and give them to the person authorized to receive the prescription; and

(c) retain copy 3 of the form with the practitioner's records for at least 3 years after the date the prescription is written.

(5) The dispensing pharmacist shall:

(a) fill in on copies 1 and 2 of the form in the space provided the information not required to be filled in by the prescribing practitioner or by the board;

(b) retain copy 2 with the records of the pharmacy for at least 3 years; and

(c) sign copy 1 and send it to the board not later than

7 days following the end of the month in which the prescription was filled.

(6) A medication order that is written for a patient who is admitted to a hospital at the time the medication order is written and filled is not required to be on a form that meets the requirements of this chapter.

(7) Not later than 7 days after the date a practitioner's board registration number, federal drug enforcement administration number, or license to practice has been denied, suspended, canceled, surrendered, or revoked, the practitioner shall return to the board all unused forms in the practitioner's possession that were issued under this section.

(8) The board shall adopt rules to implement this section.

NEW SECTION. **Section 3.** Codification instruction. [Section 2] is intended to be codified as an integral part of Title 50, chapter 32, part 2, and the provisions of Title 50, chapter 32, part 2, apply to [section 2].

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0592, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to provide for prescription monitoring of controlled substances through the use of state-issued triplicate prescription forms, and amending section 50-32-208, MCA.

ASSUMPTIONS:

1. The Board of Pharmacy must draft rules and issue the necessary prescription forms. The Board of Pharmacy may charge a fee for the actual cost to print, mail and process the forms, containers, and binders.
2. Cost to implement the program include personal services, equipment supplies, travel, printing, mailing, telephone, computer hardware and software.
3. Based on the experience of a similar program in the state of Idaho; approximately 4,200 prescriptions per month will be processed, forms will cost $7 per 100, an additional 2.00 FTE's will be required, and documents will be stored for three years. An educational program for the practitioners will be necessary.
4. Approximately 275 pharmacies will participate in the program within the state of Montana.
5. The Professional and Occupational Licensing Bureau (POL Bureau), in conjunction with the Board of Pharmacy, will process and coordinate the adoption of rules, continuing education programs, and provide general administrative support. The additional services caused by the proposed legislation will require an additional 2.00 FTE in the POL Bureau.
6. Administrative overhead cost must be reflected in the budget for the Professional and Occupational Licensing Bureau of the Department of Commerce.
7. Current law is represented by the executive budget recommendation for the Board of Pharmacy in the Department of Commerce during the 1993 biennium.

FISCAL IMPACT:
see next page

2-8-91
ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

2/11/91
BRENT R. CROMLEY, PRIMARY SPONSOR DATE

Fiscal Note for HB0592, as introduced.

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FISCAL IMPACT:

Board of Pharmacy:	FY 92			FY 93		
Expenditures:	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
FTE	1.00	1.00	0.00	1.00	1.00	0.00
Personal Services	47,111	47,611	500	47,007	47,507	500
Operating Expenses	89,296	140,582	51,286	88,785	139,501	50,716
Equipment	0	7,500	7,500	0	0	0
Total	136,407	195,693	59,286	135,792	187,008	51,216
Funding:						
State Special	136,407	195,693	59,286	135,792	187,008	51,216
Revenues:						
POL License Fees (02)	127,925	127,925	0	127,925	127,925	0
Prescription Forms (02)	0	59,286	59,286	0	51,215	51,216
Total	127,925	187,211	59,286	127,925	179,140	51,216
Net Impact:	(8,482)	(8,482)	0	(7,867)	(7,868)	0

TECHNICAL NOTE:

The title of the proposed legislation does not include the authorization for the Board of Pharmacy to charge a fee to recover the actual cost to print, mail and process the proposed prescription forms. Article V, section 11(3) of the state constitution states any act or authority not expressed in the title of the bill is void.

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