

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HOUSE BILL 2136

AN ACT

AMENDING SECTIONS 32-1907, 36-2522 AND 36-2525, ARIZONA REVISED STATUTES;
AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 28; RELATING
TO CONTROLLED SUBSTANCES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1907, Arizona Revised Statutes, is amended to
3 read:

4 32-1907. Arizona state board of pharmacy fund

5 A. Except as provided in section 32-1939, the executive director shall
6 receive and receipt for all fees and other monies provided for in this
7 chapter and shall deposit, pursuant to sections 35-146 and 35-147, ten per
8 cent of such monies in the state general fund and ninety per cent in the
9 Arizona state board of pharmacy fund. All monies derived from civil
10 penalties collected pursuant to this chapter shall be deposited, pursuant to
11 sections 35-146 and 35-147, in the general fund.

12 B. EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION, monies
13 deposited in the Arizona state board of pharmacy fund shall be subject to
14 section 35-143.01.

15 C. FROM MONIES DEPOSITED IN THE ARIZONA STATE BOARD OF PHARMACY FUND
16 PURSUANT TO SUBSECTION A OF THIS SECTION, THE EXECUTIVE DIRECTOR MAY TRANSFER
17 UP TO THREE HUNDRED NINETY-FIVE THOUSAND SEVEN HUNDRED NINETY-FIVE DOLLARS
18 ANNUALLY TO THE CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM FUND
19 ESTABLISHED BY SECTION 36-2605 FOR EXPENSES RELATED TO THE CONTROLLED
20 SUBSTANCES PRESCRIPTION MONITORING PROGRAM AS REQUIRED BY TITLE 36, CHAPTER
21 38.

22 Sec. 2. Section 36-2522, Arizona Revised Statutes, is amended to read:

23 36-2522. Registration requirements

24 A. Every person who manufactures, distributes, dispenses, PRESCRIBES
25 or uses for scientific purposes any controlled substance within this state or
26 who proposes to engage in the manufacture, distribution, PRESCRIBING OR
27 dispensing of or using for scientific purposes any controlled substance
28 within this state must first:

29 1. Obtain and possess a current license or permit as a medical
30 practitioner as defined in section 32-1901 or as a pharmacy, pharmacist,
31 manufacturer or wholesaler pursuant to title 32, chapter 18.

32 2. Be a registrant under the federal controlled substances act (P.L.
33 91-513; 84 Stat. 1242; 21 ~~U.S.C. sec.~~ UNITED STATES CODE SECTION 801 et
34 seq.).

35 B. A person who is registered under this chapter to manufacture,
36 distribute, dispense, PRESCRIBE or use for scientific purposes controlled
37 substances may possess, manufacture, distribute, dispense, PRESCRIBE or use
38 for scientific purposes those substances to the extent authorized by that
39 person's license or permit in conformity with this chapter and title 32,
40 chapter 18.

41 C. The following persons need not register and may lawfully possess
42 controlled substances under this chapter:

43 1. An agent or employee of any registered manufacturer, distributor or
44 dispenser of any controlled substance if he is acting in the usual course of
45 his business or employment.

1 2. A common or contract carrier or warehouseman or that person's
2 employee whose possession of any controlled substance is in the usual course
3 of business or employment.

4 3. An ultimate user or a person in possession of any controlled
5 substance pursuant to a lawful order of a medical practitioner or in lawful
6 possession of a schedule V substance.

7 4. An officer or employee of the department of public safety, A
8 PROFESSIONAL REGULATORY BOARD ESTABLISHED BY TITLE 32, CHAPTER 7, 11, 13, 14,
9 15, 16, 17, 18, 21, 25 OR 29 or the ARIZONA STATE board OF PHARMACY or a
10 peace officer as defined in section 1-215 in the lawful performance of that
11 person's duties.

12 D. The board may waive by rule the requirement for registration of
13 certain manufacturers, distributors or dispensers if the board finds waiver
14 consistent with the public health and safety or the requirements of the
15 United States drug enforcement administration.

16 E. The board OR ITS DESIGNEE may inspect the establishment of a
17 registrant or applicant for registration in accordance with the board's
18 regulation IF THE BOARD OR ITS DESIGNEE HAS INFORMATION THAT THE BOARD OR ITS
19 DESIGNEE BELIEVES WOULD REQUIRE AN ON-SITE INSPECTION.

20 Sec. 3. Section 36-2525, Arizona Revised Statutes, is amended to read:

21 36-2525. Prescription orders; labels

22 A. In addition to requirements in section 32-1968, pertaining to
23 prescription orders for prescription-only drugs, the prescription order for a
24 controlled substance shall bear the name, address and federal registration
25 number of the prescriber. A prescription order for a schedule II controlled
26 substance drug other than a hospital drug order for a hospital inpatient
27 shall contain only one drug order per prescription blank. If authorized
28 verbally by the prescriber, the pharmacist may make changes to correct errors
29 or omissions made by the prescriber on the following parts of a written
30 schedule II controlled substance prescription order:

- 31 1. The date issued.
- 32 2. The strength, dosage form or quantity of drug.
- 33 3. The directions for its use.

34 B. The pharmacist must document on the original prescription order the
35 changes that were made pursuant to the verbal authorization and record the
36 time and date the authorization was granted.

37 C. A person registered to dispense controlled substances under this
38 chapter must keep and maintain prescription orders for controlled substances
39 as follows:

40 1. Prescription orders for controlled substances listed in schedules I
41 and II must be maintained in a separate prescription file for controlled
42 substances listed in schedules I and II only.

43 2. Prescription orders for controlled substances listed in schedules
44 III, IV and V must be maintained either in a separate prescription file for
45 controlled substances listed in schedules III, IV and V only or in a form

1 that allows them to be readily retrievable from the other prescription
2 records of the registrant. For the purposes of this paragraph, "readily
3 retrievable" means that when the prescription is initially filed, the face of
4 the prescription is stamped in red ink in the lower right corner with the
5 letter "C" in a font that is not less than one inch high and that the
6 prescription is filed in the usual consecutively numbered prescription file
7 for noncontrolled substance prescriptions. The requirement to stamp the hard
8 copy prescription with a red "C" is waived if a registrant employs an
9 electronic data processing system or other electronic record keeping system
10 for prescriptions that permits identification by prescription number and
11 retrieval of original documents by prescriber's name, patient's name, drug
12 dispensed and date filled.

13 D. Except in emergency situations in conformity with subsection E of
14 this section, under the conditions specified in subsections ~~F, AND G and H~~
15 of this section or when dispensed directly by a medical practitioner to an
16 ultimate user, a controlled substance in schedule II shall not be dispensed
17 without the written prescription order in ink or indelible pencil or
18 typewritten and manually signed by the medical practitioner. A prescription
19 order for a schedule II substance shall not be dispensed more than ~~sixty~~
20 ~~NINETY~~ days after the date on which the prescription order was issued. A
21 prescription order for a schedule II substance shall not be refilled.

22 E. In emergency situations, emergency quantities of schedule II
23 substances may be dispensed on an oral prescription order of a medical
24 practitioner. Such an emergency prescription order shall be immediately
25 reduced to writing by the pharmacist and shall contain all the information
26 required for schedule II drugs except for the manual signing of the order by
27 the medical practitioner. Within seven days after authorizing an emergency
28 oral prescription order, the prescribing medical practitioner shall cause a
29 written prescription order manually signed for the emergency quantity
30 prescribed to be delivered to the dispensing pharmacist. In addition to
31 conforming to other requirements for prescription orders for schedule II
32 substances, it shall have written on its face "authorization for emergency
33 dispensing" and the date of the oral order. If the prescribing medical
34 practitioner fails to deliver such an emergency prescription order within
35 seven days in conformance with board rules, the pharmacist shall notify the
36 board. Failure of the pharmacist to notify the board shall void the
37 authority conferred by this subsection to dispense without a written,
38 manually-signed prescription order of a medical practitioner.

39 F. The following may be transmitted to a pharmacy by facsimile by a
40 patient's medical practitioner or the medical practitioner's agent:

- 41 1. A prescription order written for a schedule II ~~narcotic~~ controlled
42 substance to be compounded for the direct administration to a patient by
43 parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion.
- 44 2. A prescription order written for any schedule II controlled
45 substance for a resident of a long-term care facility.

1 3. A prescription order written for a schedule II ~~narcotic~~ controlled
2 substance for a patient enrolled in a hospice care program certified or paid
3 for by medicare under title XVIII or a hospice program that is licensed by
4 this state. The medical practitioner or the medical practitioner's agent
5 must note on the prescription that the patient is a hospice patient.

6 G. A facsimile transmitted pursuant to subsection F of this section is
7 the original written prescription order for purposes of this section and must
8 be maintained as required by subsection C of this section.

9 H. Except when dispensed directly by a medical practitioner to an
10 ultimate user, a controlled substance included in schedule III or IV that
11 requires a prescription order as determined under state or federal laws shall
12 not be dispensed without a written or oral prescription order of a medical
13 practitioner. The prescription order shall not be filled or refilled more
14 than six months after the date on which the prescription order was issued. A
15 prescription order authorized to be refilled shall not be refilled more than
16 five times. Additional quantities may only be authorized by the prescribing
17 medical practitioner through issuance of a new prescription order ~~which~~ THAT
18 shall be treated by the pharmacist as a new and separate prescription order.

19 I. Except when dispensed directly by a medical practitioner to an
20 ultimate user, a controlled substance that is included in schedule V and that
21 requires a prescription order as determined under state or federal laws shall
22 not be dispensed without a written or oral prescription order of a medical
23 practitioner. The prescription order may be refilled as authorized by the
24 prescribing medical practitioner but shall not be filled or refilled more
25 than one year after the date of issuance.

26 J. A controlled substance that is listed in schedule III, IV or V and
27 that does not require a prescription order as determined under state or
28 federal laws may be dispensed at retail by a pharmacist, a pharmacy intern or
29 a graduate intern under the pharmacist's supervision; ~~without a prescription~~
30 order to a purchaser WHO IS at least eighteen years of age ~~provided that~~ IF
31 all of the following are true:

32 1. It is for a legitimate medical purpose.

33 2. Not more than two hundred forty cubic centimeters (eight ounces) of
34 any such controlled substance containing opium, nor more than one hundred
35 twenty cubic centimeters (four ounces) of any other such controlled
36 substance, nor more than forty-eight dosage units of any such controlled
37 substance containing opium, nor more than twenty-four dosage units of any
38 other controlled substance may be dispensed at retail to the same purchaser
39 in any given forty-eight hour period.

40 3. No more than one hundred dosage units of any single active
41 ingredient ephedrine preparation may be sold, offered for sale, bartered, or
42 given away to any one person in any one thirty-day period.

43 4. The pharmacist, pharmacy intern or graduate intern requires every
44 purchaser of a controlled substance under this subsection not known to that

1 person to furnish suitable identification, including proof of age where
2 appropriate.

3 5. A bound record book for dispensing controlled substances under this
4 subsection is maintained by the pharmacist and contains the name and address
5 of the purchaser, the name and quantity of the controlled substance
6 purchased, the date of each purchase and the name or initials of the
7 pharmacist, pharmacy intern or graduate intern who dispensed the substance to
8 the purchaser. Such book shall be maintained in conformity with the record
9 keeping requirements of section 36-2523.

10 K. In the absence of a law requiring a prescription for a schedule V
11 controlled substance, the board ~~may~~, by rules, MAY require, or remove the
12 requirement of, a prescription order for a schedule V controlled substance.

13 L. The label on a container of a controlled substance directly
14 dispensed by a medical practitioner or pharmacist, not for the immediate
15 administration to the ultimate user, such as a bed patient in a hospital,
16 shall bear the name and address of the dispensing medical practitioner or
17 pharmacist, the serial number, date of dispensing, name of prescriber, name
18 of patient or, if an animal, the name of the owner of the animal and the
19 species of the animal, directions for use and cautionary statements, if any,
20 contained in the prescription order or required by law. If the controlled
21 substance is included in schedule II, III or IV the label shall bear a
22 transfer warning to the effect: "Caution: federal law prohibits the
23 transfer of this drug to any person other than the patient for whom it was
24 prescribed".

25 M. The board, by rule, may provide additional requirements for
26 prescribing and dispensing controlled substances.

27 Sec. 4. Title 36, Arizona Revised Statutes, is amended by adding
28 chapter 28, to read:

29 CHAPTER 28

30 CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM

31 ARTICLE 1. GENERAL PROVISIONS

32 36-2601. Definitions

33 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- 34 1. "BOARD" MEANS THE ARIZONA STATE BOARD OF PHARMACY OR ITS DESIGNEE.
35 2. "DISPENSER" MEANS A MEDICAL PRACTITIONER OR PHARMACY THAT IS
36 AUTHORIZED TO DISPENSE CONTROLLED SUBSTANCES.
37 3. "LICENSED HEALTH CARE PROVIDER" MEANS A PERSON WHO IS LICENSED
38 PURSUANT TO TITLE 32, CHAPTER 7, 11, 13, 14, 15, 16, 17, 18, 19.1, 21, 25, 29
39 OR 33.
40 4. "MEDICAL PRACTITIONER" HAS THE SAME MEANING PRESCRIBED IN SECTION
41 32-1901.
42 5. "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION OR
43 ASSOCIATION AND THE PERSON'S DULY AUTHORIZED AGENTS.
44 6. "PROGRAM" MEANS THE CONTROLLED SUBSTANCES PRESCRIPTION MONITORING
45 PROGRAM.

1 SECTION 36-2604. THE TASK FORCE SHALL MEET AT LEAST ONCE EACH YEAR AND AT
2 THE CALL OF THE CHAIRPERSON.

3 C. TASK FORCE MEMBERS SERVE AT THE PLEASURE OF THE BOARD AND ARE NOT
4 ELIGIBLE TO RECEIVE COMPENSATION OR REIMBURSEMENT OF EXPENSES.

5 36-2604. Use and release of confidential information

6 A. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, PRESCRIPTION
7 INFORMATION SUBMITTED TO THE BOARD PURSUANT TO THIS ARTICLE IS CONFIDENTIAL
8 AND IS NOT SUBJECT TO PUBLIC INSPECTION. THE BOARD SHALL ESTABLISH
9 PROCEDURES TO ENSURE THE PRIVACY AND CONFIDENTIALITY OF PATIENTS AND THAT
10 PATIENT INFORMATION THAT IS COLLECTED, RECORDED AND TRANSMITTED PURSUANT TO
11 THIS ARTICLE IS NOT DISCLOSED EXCEPT AS PRESCRIBED IN THIS SECTION.

12 B. THE BOARD OR ITS DESIGNEE SHALL REVIEW THE PRESCRIPTION INFORMATION
13 COLLECTED PURSUANT TO THIS ARTICLE. IF THE BOARD OR ITS DESIGNEE HAS REASON
14 TO BELIEVE AN ACT OF UNPROFESSIONAL OR ILLEGAL CONDUCT HAS OCCURRED, THE
15 BOARD OR ITS DESIGNEE SHALL NOTIFY THE APPROPRIATE PROFESSIONAL LICENSING
16 BOARD OR LAW ENFORCEMENT OR CRIMINAL JUSTICE AGENCY AND PROVIDE THE
17 PRESCRIPTION INFORMATION REQUIRED FOR AN INVESTIGATION.

18 C. THE BOARD MAY RELEASE DATA COLLECTED BY THE PROGRAM TO THE
19 FOLLOWING:

20 1. A PERSON WHO IS AUTHORIZED TO PRESCRIBE OR DISPENSE A CONTROLLED
21 SUBSTANCE TO ASSIST THAT PERSON TO PROVIDE MEDICAL OR PHARMACEUTICAL CARE TO
22 A PATIENT OR TO EVALUATE A PATIENT.

23 2. AN INDIVIDUAL WHO REQUESTS THE INDIVIDUAL'S OWN PRESCRIPTION
24 MONITORING INFORMATION PURSUANT TO SECTION 12-2293.

25 3. A PROFESSIONAL LICENSING BOARD ESTABLISHED PURSUANT TO TITLE 32,
26 CHAPTER 7, 11, 13, 14, 15, 16, 17, 18, 21, 25 OR 29. EXCEPT AS REQUIRED
27 PURSUANT TO SUBSECTION B OF THIS SECTION, THE BOARD SHALL PROVIDE THIS
28 INFORMATION ONLY IF THE REQUESTING BOARD STATES IN WRITING THAT THE
29 INFORMATION IS NECESSARY FOR AN OPEN INVESTIGATION OR COMPLAINT.

30 4. A LOCAL, STATE OR FEDERAL LAW ENFORCEMENT OR CRIMINAL JUSTICE
31 AGENCY. EXCEPT AS REQUIRED PURSUANT TO SUBSECTION B OF THIS SECTION, THE
32 BOARD SHALL PROVIDE THIS INFORMATION ONLY IF THE REQUESTING AGENCY STATES IN
33 WRITING THAT THE INFORMATION IS NECESSARY FOR AN OPEN INVESTIGATION OR
34 COMPLAINT.

35 5. THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION
36 REGARDING PERSONS WHO ARE RECEIVING SERVICES PURSUANT TO CHAPTER 29 OF THIS
37 TITLE. EXCEPT AS REQUIRED PURSUANT TO SUBSECTION B OF THIS SECTION, THE
38 BOARD SHALL PROVIDE THIS INFORMATION ONLY IF THE ADMINISTRATION STATES IN
39 WRITING THAT THE INFORMATION IS NECESSARY FOR AN OPEN INVESTIGATION OR
40 COMPLAINT.

41 6. A PERSON SERVING A LAWFUL ORDER OF A COURT OF COMPETENT
42 JURISDICTION.

43 D. THE BOARD MAY PROVIDE DATA TO PUBLIC OR PRIVATE ENTITIES FOR
44 STATISTICAL, RESEARCH OR EDUCATIONAL PURPOSES AFTER REMOVING INFORMATION THAT

1 COULD BE USED TO IDENTIFY INDIVIDUAL PATIENTS OR PERSONS WHO RECEIVED
2 PRESCRIPTIONS FROM DISPENSERS.

3 36-2605. Controlled substances prescription monitoring program
4 fund

5 A. THE CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM FUND IS
6 ESTABLISHED CONSISTING OF LEGISLATIVE APPROPRIATIONS, TRANSFERS PURSUANT TO
7 SECTION 32-1907 AND ANY GRANTS, GIFTS OR DONATIONS RECEIVED BY THE BOARD. THE
8 BOARD SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY
9 APPROPRIATED AND SHALL BE USED TO OPERATE THE CONTROLLED SUBSTANCES
10 PRESCRIPTION MONITORING PROGRAM ESTABLISHED PURSUANT TO SECTION 36-2602.

11 B. THE BOARD MAY APPLY FOR GRANTS AND MAY ACCEPT GIFTS, GRANTS OR
12 DONATIONS FOR THE ESTABLISHMENT AND MAINTENANCE OF THE COMPUTERIZED
13 PRESCRIPTION MONITORING PROGRAM.

14 36-2606. Registration; requirements

15 A. BEGINNING NOVEMBER 1, 2007 AND PURSUANT TO RULES ADOPTED BY THE
16 BOARD, EACH MEDICAL PRACTITIONER WHO IS ISSUED A LICENSE PURSUANT TO TITLE 32
17 AND WHO POSSESSES A REGISTRATION UNDER THE FEDERAL CONTROLLED SUBSTANCES ACT
18 MUST HAVE A CURRENT CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM
19 REGISTRATION ISSUED BY THE BOARD. THE REGISTRATION IS:

- 20 1. SUBJECT TO BIENNIAL RENEWAL AS SPECIFIED IN THIS ARTICLE.
- 21 2. NOT TRANSFERABLE OR ASSIGNABLE.

22 3. VALID ONLY IN CONJUNCTION WITH A VALID LICENSE ISSUED BY A
23 PROFESSIONAL LICENSING BOARD ESTABLISHED PURSUANT TO TITLE 32, CHAPTER 7, 11,
24 13, 14, 15, 16, 17, 21, 25 OR 29.

25 B. AN APPLICANT FOR REGISTRATION PURSUANT TO THIS SECTION MUST SUBMIT
26 AN APPLICATION AS PRESCRIBED BY THE BOARD.

27 C. THE BOARD SHALL ASSIGN ALL PERSONS REGISTERED UNDER THIS ARTICLE TO
28 ONE OF TWO REGISTRATION RENEWAL GROUPS. THE HOLDER OF A REGISTRATION ENDING
29 IN AN EVEN NUMBER MUST RENEW THE REGISTRATION BIENNIALLY ON OR BEFORE MAY 1
30 OF THE NEXT EVEN-NUMBERED YEAR. THE HOLDER OF A REGISTRATION ENDING IN AN
31 ODD NUMBER MUST RENEW THE REGISTRATION BIENNIALLY ON OR BEFORE MAY 1 OF THE
32 NEXT ODD-NUMBERED YEAR. THE BOARD SHALL AUTOMATICALLY SUSPEND THE
33 REGISTRATION OF ANY REGISTRANT WHO FAILS TO RENEW THE REGISTRATION ON OR
34 BEFORE MAY 1 OF THE YEAR IN WHICH THE RENEWAL IS DUE. THE BOARD SHALL VACATE
35 A SUSPENSION IF THE REGISTRANT SUBMITS A RENEWAL APPLICATION. A SUSPENDED
36 REGISTRANT IS PROHIBITED FROM ACCESSING INFORMATION IN THE PRESCRIPTION
37 MONITORING PROGRAM DATABASE TRACKING SYSTEM.

38 D. A REGISTRANT SHALL NOT APPLY FOR REGISTRATION RENEWAL MORE THAN
39 SIXTY DAYS BEFORE THE EXPIRATION DATE OF THE REGISTRATION.

40 E. AN APPLICANT FOR REGISTRATION RENEWAL PURSUANT TO THIS SECTION MUST
41 SUBMIT A RENEWAL APPLICATION PRESCRIBED BY THE BOARD BY RULE.

42 F. PURSUANT TO A FEE PRESCRIBED BY THE BOARD BY RULE, THE BOARD MAY
43 ISSUE A REPLACEMENT REGISTRATION TO A REGISTRANT WHO REQUESTS A REPLACEMENT
44 BECAUSE THE ORIGINAL WAS DAMAGED OR DESTROYED, BECAUSE OF A CHANGE OF NAME OR
45 FOR ANY OTHER GOOD CAUSE AS PRESCRIBED BY THE BOARD.

1 36-2607. Disciplinary action

2 A. THE REGISTRANT'S PROFESSIONAL LICENSING BOARD MAY REVOKE OR SUSPEND
3 A REGISTRANT'S REGISTRATION OR MAY PLACE THE REGISTRANT ON PROBATION FOR ANY
4 OF THE FOLLOWING:

5 1. THE REGISTRANT'S PROFESSIONAL LICENSING BOARD DETERMINES THAT THE
6 REGISTRATION WAS OBTAINED BY FRAUDULENT MEANS.

7 2. THE REGISTRANT'S PROFESSIONAL LICENSING BOARD TAKES ACTION TO
8 REVOKE, SUSPEND OR PLACE ON PROBATION THE REGISTRANT'S LICENSE, PERMIT OR
9 REGISTRATION TO PRESCRIBE OR DISPENSE DRUGS.

10 3. THE REGISTRATION WAS ISSUED THROUGH ERROR.

11 4. THE REGISTRANT KNOWINGLY FILES WITH THE BOARD ANY APPLICATION,
12 RENEWAL OR OTHER DOCUMENT THAT CONTAINS FALSE OR MISLEADING INFORMATION OR
13 THE REGISTRANT GIVES FALSE OR MISLEADING TESTIMONY TO THE BOARD.

14 5. THE REGISTRANT KNOWINGLY MAKES A FALSE REPORT OR RECORD REQUIRED BY
15 THIS ARTICLE.

16 B. THE BOARD MAY DENY A REGISTRATION TO AN APPLICANT FOR THE GROUNDS
17 PRESCRIBED IN SUBSECTION A.

18 C. IN ADDITION TO ANY OTHER LAW, A LICENSED OR PERMITTED MEDICAL
19 PRACTITIONER, PHARMACIST OR PHARMACY THAT FAILS TO COMPLY WITH THE
20 REQUIREMENTS OF THIS ARTICLE IS SUBJECT TO DISCIPLINARY ACTION BY THE MEDICAL
21 PRACTITIONER'S, PHARMACIST'S OR PHARMACY'S PROFESSIONAL LICENSING BOARD. THE
22 BOARD OF PHARMACY SHALL REPORT TO THE APPROPRIATE PROFESSIONAL LICENSING
23 BOARD THE FAILURE OF A LICENSED OR PERMITTED MEDICAL PRACTITIONER, PHARMACIST
24 OR PHARMACY TO COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE.

25 36-2608. Reporting requirements

26 A. IF A MEDICAL PRACTITIONER DISPENSES A CONTROLLED SUBSTANCE LISTED
27 IN SECTION 36-2513, 36-2514 OR 36-2515, OR IF A PRESCRIPTION FOR A CONTROLLED
28 SUBSTANCE LISTED IN ANY OF THOSE SECTIONS IS DISPENSED BY A PHARMACY IN THIS
29 STATE, A HEALTH CARE FACILITY IN THIS STATE FOR OUTPATIENT USE OR A
30 BOARD-PERMITTED NONRESIDENT PHARMACY FOR DELIVERY TO A PERSON RESIDING IN
31 THIS STATE, THE MEDICAL PRACTITIONER, HEALTH CARE FACILITY OR PHARMACY MUST
32 REPORT THE FOLLOWING INFORMATION AS APPLICABLE AND AS PRESCRIBED BY THE BOARD
33 BY RULE:

34 1. THE NAME, ADDRESS, TELEPHONE NUMBER, PRESCRIPTION NUMBER AND DRUG
35 ENFORCEMENT ADMINISTRATION CONTROLLED SUBSTANCE REGISTRATION NUMBER OF THE
36 DISPENSER.

37 2. THE NAME, ADDRESS AND DATE OF BIRTH OF THE PERSON OR, IF FOR AN
38 ANIMAL, THE OWNER OF THE ANIMAL FOR WHOM THE PRESCRIPTION IS WRITTEN.

39 3. THE NAME, ADDRESS, TELEPHONE NUMBER AND DRUG ENFORCEMENT
40 ADMINISTRATION CONTROLLED SUBSTANCE REGISTRATION NUMBER OF THE PRESCRIBING
41 MEDICAL PRACTITIONER.

42 4. THE NAME, STRENGTH, QUANTITY, DOSAGE AND NATIONAL DRUG CODE NUMBER
43 OF THE SCHEDULE II, III OR IV CONTROLLED SUBSTANCE DISPENSED.

44 5. THE DATE THE PRESCRIPTION WAS DISPENSED.

1 6. THE NUMBER OF REFILLS, IF ANY, AUTHORIZED BY THE MEDICAL
2 PRACTITIONER.

3 B. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, A PHARMACY MUST
4 USE THE AUGUST 31, 2005 VERSION 003, RELEASE 000 STANDARD IMPLEMENTATION
5 GUIDE FOR PRESCRIPTION MONITORING PROGRAMS PUBLISHED BY THE AMERICAN SOCIETY
6 FOR AUTOMATION IN PHARMACY OR ANY SUBSEQUENT VERSION OR RELEASE OF THAT GUIDE
7 TO REPORT THE REQUIRED INFORMATION.

8 C. THE BOARD SHALL ALLOW THE REPORTER TO TRANSMIT THE REQUIRED
9 INFORMATION BY ELECTRONIC DATA TRANSFER IF FEASIBLE OR, IF NOT FEASIBLE, ON
10 REPORTING FORMS AS PRESCRIBED BY THE BOARD. THE BOARD SHALL NOT REQUIRE THE
11 REPORTER TO SUBMIT THE REQUIRED INFORMATION MORE FREQUENTLY THAN ONCE EACH
12 WEEK.

13 D. A DISPENSER WHO DOES NOT HAVE AN AUTOMATED RECORD KEEPING SYSTEM
14 CAPABLE OF PRODUCING AN ELECTRONIC REPORT IN THE ESTABLISHED FORMAT MAY
15 REQUEST A WAIVER FROM ELECTRONIC REPORTING BY SUBMITTING A WRITTEN REQUEST TO
16 THE BOARD. THE BOARD SHALL GRANT THE REQUEST IF THE DISPENSER AGREES IN
17 WRITING TO REPORT THE DATA BY SUBMITTING A COMPLETED UNIVERSAL CLAIM FORM AS
18 PRESCRIBED BY THE BOARD BY RULE.

19 E. THE BOARD BY RULE MAY PRESCRIBE THE PRESCRIPTION FORM TO BE USED IN
20 PRESCRIBING A SCHEDULE II, III OR IV CONTROLLED SUBSTANCE IF THE BOARD
21 DETERMINES THAT THIS WOULD FACILITATE THE REPORTING REQUIREMENTS OF THIS
22 SECTION.

23 F. THE REPORTING REQUIREMENTS OF THIS SECTION DO NOT APPLY TO THE
24 FOLLOWING:

25 1. A CONTROLLED SUBSTANCE ADMINISTERED DIRECTLY TO A PATIENT.

26 2. A CONTROLLED SUBSTANCE DISPENSED BY A MEDICAL PRACTITIONER AT A
27 HEALTH CARE FACILITY LICENSED BY THIS STATE IF THE QUANTITY DISPENSED IS
28 LIMITED TO AN AMOUNT ADEQUATE TO TREAT THE PATIENT FOR A MAXIMUM OF
29 SEVENTY-TWO HOURS WITH NOT MORE THAN TWO SEVENTY-TWO HOUR CYCLES WITHIN ANY
30 FIFTEEN DAY PERIOD.

31 3. A CONTROLLED SUBSTANCE SAMPLE.

32 4. THE WHOLESALE DISTRIBUTION OF A SCHEDULE II, III OR IV CONTROLLED
33 SUBSTANCE. FOR THE PURPOSES OF THIS PARAGRAPH, "WHOLESALE DISTRIBUTION" HAS
34 THE SAME MEANING PRESCRIBED IN SECTION 32-1981.

35 5. A FACILITY THAT IS REGISTERED BY THE DRUG ENFORCEMENT
36 ADMINISTRATION AS A NARCOTIC TREATMENT PROGRAM AND THAT IS SUBJECT TO THE
37 RECORD KEEPING PROVISIONS OF 21 CODE OF FEDERAL REGULATIONS SECTION 1304.24.

38 36-2609. Use of information; civil immunity

39 A. AN INDIVIDUAL OR ENTITY THAT COMPLIES WITH THE REPORTING
40 REQUIREMENTS OF SECTION 36-2608 IS NOT SUBJECT TO CIVIL LIABILITY OR OTHER
41 CIVIL RELIEF FOR REPORTING THE INFORMATION TO THE BOARD.

42 B. UNLESS A COURT OF COMPETENT JURISDICTION MAKES A FINDING OF MALICE
43 OR CRIMINAL INTENT, THE BOARD, ANY OTHER STATE AGENCY OR ANY PERSON OR ENTITY
44 IN PROPER POSSESSION OF INFORMATION PURSUANT TO THIS ARTICLE IS NOT SUBJECT

1 TO CIVIL LIABILITY OR OTHER LEGAL OR EQUITABLE RELIEF FOR ANY OF THE
2 FOLLOWING ACTS OR OMISSIONS:
3 1. FURNISHING INFORMATION PURSUANT TO THIS ARTICLE.
4 2. RECEIVING, USING OR RELYING ON, OR NOT USING OR RELYING ON,
5 INFORMATION RECEIVED PURSUANT TO THIS ARTICLE.
6 3. INFORMATION THAT WAS NOT FURNISHED TO THE BOARD.
7 4. INFORMATION THAT WAS FACTUALLY INCORRECT OR THAT WAS RELEASED BY
8 THE BOARD TO THE WRONG PERSON OR ENTITY.
9 36-2610. Prohibited acts; violation; classification
10 A. A PERSON WHO IS SUBJECT TO THIS ARTICLE AND WHO FAILS TO REPORT
11 REQUIRED INFORMATION PURSUANT TO SECTION 36-2608 IS GUILTY OF A CLASS 2
12 MISDEMEANOR.
13 B. A PERSON WHO IS SUBJECT TO THIS ARTICLE AND WHO KNOWINGLY FAILS TO
14 REPORT REQUIRED INFORMATION TO THE BOARD IN VIOLATION OF SECTION 36-2608 IS
15 GUILTY OF A CLASS 1 MISDEMEANOR.
16 C. A PERSON WHO IS SUBJECT TO THIS ARTICLE AND WHO KNOWINGLY REPORTS
17 INFORMATION TO THE BOARD THAT THE PERSON KNOWS TO BE FALSE OR FRAUDULENT IS
18 GUILTY OF A CLASS 6 FELONY.
19 D. A PERSON WHO IS GRANTED ACCESS TO THE INFORMATION MAINTAINED BY THE
20 BOARD AS REQUIRED BY THIS ARTICLE AND WHO KNOWINGLY DISCLOSES THE INFORMATION
21 IN A MANNER INCONSISTENT WITH A LEGITIMATE PROFESSIONAL OR REGULATORY
22 PURPOSE, A LEGITIMATE LAW ENFORCEMENT PURPOSE, THE TERMS OF A COURT ORDER OR
23 AS OTHERWISE EXPRESSLY AUTHORIZED BY THIS ARTICLE IS GUILTY OF A CLASS 6
24 FELONY.
25 36-2611. Program termination
26 THE PROGRAM ESTABLISHED BY THIS CHAPTER ENDS ON JULY 1, 2017 PURSUANT
27 TO SECTION 41-3102.