

MAINE STATE LEGISLATURE

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R.S.

L.D. 687

DATE: 5/30/01

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MINORITY
BUSINESS AND ECONOMIC DEVELOPMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 532, L.D. 687, Bill, "An Act to Maintain a Centralized Database for Schedule II Prescriptions Dispensed by Pharmacies in the State"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 32 MRSA §§13724 and 13725 are enacted to read:

§13724. Database

The Department of Human Services shall use information from quarterly reports required in section 13796 to maintain a database containing all transactions in the State involving schedule II drugs. For purposes of this section, "schedule II drug" has the same meaning as in the federal Controlled Substances Act of 1970, 21 United States Code, Section 812.

The board shall work with the Department of Human Services to adopt rules as to how and when the reports are to be filed. Electronic filing is the preferred method. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

§13725. Confidentiality and disclosure of information

1. Confidentiality of reporting and database information.
Information contained in reports submitted to the Department of Human Services pursuant to section 13796 and the database created by the Department of Human Services pursuant to section 13724 is confidential and is not available to the public or for commercial

COMMITTEE AMENDMENT

2 purposes. Ownership of all data collected resides with the
3 State. The Department of Human Services shall carry out a
4 program to protect the confidentiality of the information
5 collected pursuant to this section.

6 The Department of Human Services may compile statistical reports
7 from the information contained in the database. The reports may
8 not include information that identifies any practitioner,
9 ultimate user or other person administering a controlled
10 substance.

12 2. Disclosure of information. The Department of Human
13 Services may disclose information contained in the database to:

14 A. A governing body that licenses practitioners and is
15 engaged in an investigation, adjudication or prosecution of
16 a violation under any State or federal law that involves a
17 schedule II drug; and

18 B. Registrants authorized under chapters 16, 36, 48 and
19 pharmacists and pharmacies registered under chapter 117,
20 except those registered under chapter 117, subchapter V who
21 are registered or licensed to administer, prescribe or
22 dispense controlled substances as long as the information
23 disclosed relates only to the registrant's own patient.

24 The Commissioner of Human Services may not release confidential
25 information to law enforcement officers unless otherwise required
26 by law or court order.

27 Any person who receives information from the database shall keep
28 the information confidential and may not release the information
29 unless otherwise authorized under this section.

30 As used in this subsection "schedule II drug" has the same
31 meaning as in the federal Controlled Substances Act of 1970, 21
32 United States Code, Section 812.

33 **Sec. 2. 32 MRSA §13796 is enacted to read:**

34 **§13796. Quarterly reports**

35 A facility registered as a retail drug outlet or mail order
36 business that dispenses schedule II drugs under section 13751
37 shall provide to the board on a quarterly basis a record of all
38 transactions the facility conducted in dispensing schedule II
39 drugs, including, but not limited to, the pharmacy prescription
40 number, pharmacy number, patient identifier, which may include
41 the name of the customer and the customer's date of birth, the
42 date the controlled substance was dispensed, the metric quantity
43 of the controlled substance, and the date the controlled substance
44 was dispensed.

of the controlled substance, the national drug code of the controlled substance, the estimated days of supply of the controlled substance dispensed and the prescriber's United States Drug Enforcement Agency registration number for each transaction. For purposes of this section, "schedule II drug" has the same meaning as in the federal Controlled Substances Act of 1970, 21 United States Code, Section 812.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	2001-02	2002-03
HUMAN SERVICES, DEPARTMENT OF		
Bureau of Medical Services		
Positions	(1,000)	(1,000)
Personal Services	\$37,519	\$39,020
All Other	68,063	50,625
Provides funds for one Planning and Research Associate position and related operating costs including the cost of a pharmacy data transmission system to establish and operate a schedule II drug database.		
DEPARTMENT OF HUMAN SERVICES		
TOTAL	\$105,582	\$89,645

Sec. 4. Allocation. The following funds are allocated from the Federal Expenditures Fund to carry out the purposes of this Act.

	2001-02	2002-03
HUMAN SERVICES, DEPARTMENT OF		
Bureau of Medical Services		
All Other	\$22,688	\$16,875
Allocates federal matching funds to establish and		

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COMMITTEE AMENDMENT "A" to H.P. 532, L.D. 687

2 operate a schedule II drug
database.

4 **DEPARTMENT OF HUMAN SERVICES**
5 **TOTAL** \$22,688 \$16,875'

6
7 Further amend the bill by inserting at the end before the
8 summary the following:

10 **FISCAL NOTE**

	2001-02	2002-03
12 APPROPRIATIONS/ALLOCATIONS		
14		
16		
17	General Fund	\$105,582
18	Other Funds	\$89,645
19		22,688
20		16,875
21	REVENUES	
22		
23	Other Funds	\$22,688
24		\$16,875

26 This bill includes General Fund appropriations of \$105,582
27 and \$89,645 in fiscal years 2001-02 and 2002-03, respectively,
28 for the Bureau of Medical Services within the Department of Human
29 Services for one Planning and Research Associate position and
30 related operating costs including the cost of a pharmacy data
31 transmission system associated with establishing and maintaining
32 a schedule II drug database.

34 This bill includes Federal Expenditures Fund allocations of
35 \$22,688 and \$16,875 in fiscal years 2001-02 and 2002-03,
36 respectively, for the federal match.

38 The Bureau of Insurance within the Department of
39 Professional and Financial Regulation will incur some minor
40 additional costs to work with the Department of Human Services to
41 adopt rules regarding how reports are to be filed. These costs
42 can be absorbed within the bureau's existing budgeted resources.'

44 **SUMMARY**

46 This amendment is the minority report of the Business and
47 Economic Development Committee and amends the bill by designating
48 the Department of Human Services as the department that will
49 establish and maintain the schedule II drug database. The
50

2 amendment also specifies that a retail drug outlet or a mail
order business that dispenses schedule II drugs and is registered
4 under the Maine Revised Statutes, Title 32, section 13751 must
report schedule II drug transactions to the department on a
6 quarterly basis. Additionally, the amendment requires the
dispensing facility to report, at a minimum, the pharmacy
8 prescription number, pharmacy number, patient identifier, which
may include the name of the customer and the customer's date of
10 birth, the date the controlled substance was dispensed, the
metric quantity of the controlled substance, the national drug
12 code of the controlled substance, the estimated days of supply of
the controlled substance dispensed and the prescriber's United
14 States Drug Enforcement Agency registration number to the
department. The amendment designates information contained in
16 the reports and in the database as confidential and limits its
disclosure to governing bodies that license practitioners when
18 they are conducting an investigation that involves schedule II
drugs and to pharmacists, physicians and dentists when the
20 information relates to their own patients. The amendment
expressly prohibits the release of confidential information from
22 the database to law enforcement officers.

This amendment also adds a fiscal note to the bill.