

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2131

S.P. 786

In Senate, February 21, 2002

**An Act to Develop a Controlled Substances Prescription Monitoring and Intervention Program.**

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Reported by Senator SHOREY for the Committees on Business and Economic Development and Judiciary pursuant to Joint Order 2001, S.P. 769.

Reference to the Committees on Business and Economic Development and Judiciary suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Pamela L. Cahill".

PAMELA L. CAHILL  
Secretary of the Senate

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Be it enacted by the People of the State of Maine as follows:

Sec. 1. 10 MRSA §8003, sub-§6-A is enacted to read:

6-A. Controlled Substances Prescription Monitoring and Intervention Program Fund. The Controlled Substances Prescription Monitoring and Intervention Program Fund, referred to in this subsection as the "fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding the implementation and operation of a controlled substances prescription monitoring and intervention program pursuant to Title 32, section 13724. The fund must be deposited with and maintained and administered by the department.

Sec. 2. 32 MRSA §13724 is enacted to read:

§13724. Controlled substances prescription monitoring and intervention program

1. Controlled substances prescription monitoring and intervention program. By January 1, 2005, the board and the department shall cooperatively develop a computerized program, referred to in this section as the "program," for the board to track each prescription for a controlled substance listed in schedule II, III or IV, under 21 United States Code, Section 812, that is filled by a pharmacy that is registered under this chapter. The program must:

A. Be designed to provide information regarding:

(1) The use by a patient of controlled substances listed in schedule II, III or IV to pharmacies, practitioners and appropriate state agencies in order to prevent the improper or illegal use of such controlled substances; and

(2) Statistical data relating to the use of such controlled substances that are not specified to a particular patient; and

B. Be administered by the board or representatives of professional associations for practitioners or representatives of occupational licensing boards selected by the board or the department.

The program may not infringe on the legal use of a controlled substance.

2 2. Access. The board and the department must have access  
3 to the program and data collected pursuant to this section for  
4 the purpose of identifying any improper, fraudulent or illegal  
5 activity related to the dispensing of controlled substances.

6 3. Report of fraudulent or illegal activity. The board or  
7 department may report any activity it reasonably suspects may be  
8 fraudulent or illegal to the appropriate law enforcement agency  
9 or occupational licensing board and provide the law enforcement  
10 agency or occupational licensing board with relevant information  
11 obtained from the program for further investigation.

12 4. Disclosure of information. Notwithstanding any other  
13 provision of law and except as provided in this section,  
14 information obtained from the program relating to a practitioner  
15 or a patient may not be disclosed to any person. The board must  
16 disclose such information:

17 A. Upon the request of a person about whom the information  
18 requested concerns or upon the request of that person's  
19 legal representative; or

20 B. Upon a lawful order of a court.

21 5. Gifts, grants and donations. The department and the  
22 board may apply for any available grants and accept any gifts,  
23 grants or donations to assist in developing and maintaining the  
24 program. Any funds received by the department or the board to  
25 assist, develop or maintain the program must be deposited in the  
26 Controlled Substances Prescription Monitoring and Intervention  
27 Program Fund under Title 10, section 8003, subsection 6-A.

28 **Sec. 3. Start-up and operation funding; report.** The Commissioner  
29 of Professional and Financial Regulation shall report back to the  
30 joint standing committee having jurisdiction over business and  
31 economic development matters by January 2, 2003 with  
32 recommendations for funding the start-up and ongoing operational  
33 costs of the controlled substances prescription monitoring and  
34 intervention program pursuant to the Maine Revised Statutes,  
35 Title 32, section 13724. The report must include any proposed  
36 fee assessments and the amount of the proposed fees.  
37 Additionally, the report must include draft legislation necessary  
38 to implement the program. The joint standing committee of the  
39 Legislature having jurisdiction over business and economic  
40 development matters may report out legislation on the subject  
41 matter of this report to the First Regular Session of the 121st  
42 Legislature.

## SUMMARY

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4 This bill proposes the establishment of a controlled  
6 substances prescription monitoring and intervention program. The  
8 computerized program will be developed by the Department of  
10 Professional and Financial Regulation and the Maine Board of  
12 Pharmacy for the board to track each prescription for a  
14 controlled substance listed in schedule II, III or IV that is  
16 filled by a pharmacy that is registered with the board. The bill  
also establishes a fund within the department to be administered  
by the department for the purpose of funding the implementation  
and ongoing costs associated with the program. Finally, the bill  
requires the department to report back to the joint standing  
committee having jurisdiction over business and economic  
development matters its recommendations for funding the program  
along with implementing legislation by January 2, 2003.