

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1648

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S.P. 674

In Senate, March 10, 2016

**An Act To Amend the Laws Governing the Controlled Substances  
Prescription Monitoring Program and To Review Limits on the  
Prescription of Controlled Substances**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator KATZ of Kennebec.  
Cosponsored by Representative VACHON of Scarborough and  
Senator: HASKELL of Cumberland, Representatives: Speaker EVES of North Berwick,  
GATTINE of Westbrook, MALABY of Hancock, SANBORN of Gorham, TUELL of East  
Machias.

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

2 **Sec. 1. 22 MRSA §7250, sub-§4, ¶H,** as enacted by PL 2011, c. 218, §3, is  
3 amended to read:

4 H. Another state or a Canadian province pursuant to subsection 4-A.

5 **Sec. 2. 22 MRSA §7250, sub-§4-A,** as amended by PL 2011, c. 657, Pt. AA,  
6 §69, is further amended to read:

7 **4-A. Information sharing with other states and Canadian provinces.** The  
8 department may provide prescription monitoring information to and receive prescription  
9 monitoring information from another state or a Canadian province that has prescription  
10 monitoring information provisions consistent with this chapter and has entered into a  
11 prescription monitoring information sharing agreement with the department. The  
12 department may enter into a prescription monitoring information sharing agreement with  
13 another state or a Canadian province to establish the terms and conditions of prescription  
14 monitoring information sharing and interoperability of information systems and to carry  
15 out the purposes of this subsection. For purposes of this subsection, "another state"  
16 means any state other than Maine and any territory or possession of the United States, ~~but~~  
17 ~~does not include a foreign country.~~

18 **Sec. 3. Licensing boards to amend rules to require prescribers and**  
19 **dispensers to use the Controlled Substances Prescription Monitoring**  
20 **Program.** The Board of Licensure in Medicine, Board of Osteopathic Licensure, Board  
21 of Dental Examiners, State Board of Nursing, Board of Licensure of Podiatric Medicine,  
22 Maine Board of Pharmacy and State Board of Veterinary Medicine shall examine the  
23 circumstances in which prescribers and dispensers of controlled substances should be  
24 required to check the prescription monitoring information maintained by the Controlled  
25 Substances Prescription Monitoring Program in the Maine Revised Statutes, Title 22,  
26 chapter 1603. No later than January 1, 2017, the Board of Licensure in Medicine, Board  
27 of Osteopathic Licensure, Board of Dental Examiners, State Board of Nursing and Board  
28 of Licensure of Podiatric Medicine shall amend the joint rule of the boards governing the  
29 use of controlled substances for treatment of pain to specify the circumstances in which  
30 prescribers of controlled substances are required to check the prescription monitoring  
31 information maintained by the Controlled Substances Prescription Monitoring Program.  
32 No later than January 1, 2017, the Maine Board of Pharmacy and State Board of  
33 Veterinary Medicine shall amend their rules to specify the circumstances in which  
34 dispensers of controlled substances are required to check the prescription monitoring  
35 information maintained by the Controlled Substances Prescription Monitoring Program.

36 **Sec. 4. Licensing boards to review MaineCare prescribing limits.** No later  
37 than January 1, 2017, the Board of Licensure in Medicine, Board of Osteopathic  
38 Licensure, Board of Dental Examiners, State Board of Nursing and Board of Licensure of  
39 Podiatric Medicine shall review the limits on controlled substances applied by the  
40 MaineCare program on the effective date of this Act and determine whether these limits  
41 should apply to all patients and, if so, how these limits may be implemented. If these  
42 limits are found to be necessary and feasible, the boards shall amend their rules or a joint

1 rule to implement these limits, but the amended rules or joint rule may not be effective  
2 prior to July 1, 2017.

3 **Sec. 5. Department of Health and Human Services to amend rules to**  
4 **require registration of pharmacists.** The Department of Health and Human  
5 Services shall amend its rules governing the Controlled Substances Prescription  
6 Monitoring Program no later than January 1, 2017 to require the registration of  
7 pharmacists as data requesters.

8 **SUMMARY**

9 This bill directs the licensing boards regulating prescribers and dispensers of  
10 controlled substances to engage in rulemaking regarding required use of the Controlled  
11 Substances Prescription Monitoring Program and to review the possibility of establishing  
12 prescribing limits. It requires pharmacists to register to use the program and allows the  
13 Department of Health and Human Services to provide prescription monitoring  
14 information to and receive prescription monitoring information from a Canadian  
15 province.