

By: Representative Holland

To: Public Health and Human
Services; Judiciary A

HOUSE BILL NO. 888

1 AN ACT TO PROVIDE THAT THE STATE BOARD OF PHARMACY SHALL
2 ESTABLISH AND MAINTAIN A COMPUTERIZED CONTROLLED SUBSTANCES
3 PRESCRIPTION MONITORING PROGRAM TO TRACK THE DISPENSING OF
4 CONTROLLED SUBSTANCES IN THE STATE; TO PROVIDE THAT THE BOARD
5 SHALL PROVIDE INFORMATION THAT IS OBTAINED THROUGH THE PROGRAM
6 REGARDING THE INAPPROPRIATE USE OF CONTROLLED SUBSTANCES TO
7 PHARMACIES, PRACTITIONERS AND APPROPRIATE STATE AGENCIES IN ORDER
8 TO PREVENT THE IMPROPER OR ILLEGAL USE OF THOSE CONTROLLED
9 SUBSTANCES; TO PROVIDE THAT THE BOARD SHALL REPORT ANY ACTIVITY
10 REGARDING CONTROLLED SUBSTANCES THAT IT REASONABLY SUSPECTS MAY BE
11 FRAUDULENT OR ILLEGAL TO THE APPROPRIATE LAW ENFORCEMENT AGENCY OR
12 OCCUPATIONAL LICENSING BOARD; TO PROVIDE THAT EXCEPT AS OTHERWISE
13 PROVIDED IN THIS ACT, INFORMATION OBTAINED THROUGH THE PROGRAM
14 SHALL BE CONFIDENTIAL; TO PROVIDE THAT PHYSICIANS, DENTISTS AND
15 PHARMACISTS MAY OBTAIN INFORMATION OBTAINED THROUGH THE PROGRAM
16 ABOUT THEIR OWN PATIENTS BY REQUEST; TO AUTHORIZE THE BOARD TO
17 APPLY FOR GRANTS AND ACCEPT GIFTS, GRANTS OR DONATIONS TO ASSIST
18 IN THE DEVELOPMENT OR MAINTENANCE OF THE PROGRAM; AND FOR RELATED
19 PURPOSES.

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

21 **SECTION 1.** (1) As used in this section, the term
22 "controlled substance" means a drug, substance or immediate
23 precursor included in Schedule II, III, IV or V in Sections
24 41-29-113 through 41-29-121 of the Uniform Controlled Substances
25 Law that is dispensed by a pharmacy.

26 (2) The State Board of Pharmacy shall establish and maintain
27 a computerized controlled substances prescription monitoring
28 program to track the dispensing of controlled substances in the
29 state.

30 (3) The board shall provide information that is obtained
31 through the program regarding the inappropriate use of controlled
32 substances to pharmacies, practitioners and appropriate state
33 agencies in order to prevent the improper or illegal use of those
34 controlled substances. The board shall report any activity
35 regarding controlled substances that it reasonably suspects may be

36 fraudulent or illegal to the appropriate law enforcement agency or
37 occupational licensing board and provide the agency or board with
38 information that is relevant for further investigation. Nothing
39 in the program shall infringe on the legal use of controlled
40 substances for the management of severe or intractable pain.

41 (4) Except as otherwise provided in this section,
42 information obtained through the program shall be confidential,
43 shall not be disclosed to any person, and shall be exempt from the
44 provisions of the Mississippi Public Records Act of 1983.

45 Physicians, dentists and pharmacists may obtain information
46 obtained through the program about their own patients by request.

47 Information obtained through the program must be disclosed:

48 (a) Upon the request of a person about whom the
49 requested information concerns or upon the request of that
50 person's attorney on his or her behalf; or

51 (b) Upon the lawful order of a court of competent
52 jurisdiction.

53 (5) The board may apply for any available grants and accept
54 any gifts, grants or donations to assist in the development or
55 maintenance of the program.

56 (6) The board may promulgate such rules and regulations as
57 necessary to implement the provisions of this section.

58 **SECTION 2.** This act shall take effect and be in force from
59 and after July 1, 2006.