



February 26, 1999

HOUSE BILL No. 1649

DIGEST OF HB 1649 (Updated February 25, 1999 2:09 pm - DI 87)

Citations Affected: IC 35-48.

Synopsis: Central repository for controlled substances data. Requires the state police department, with the approval of the controlled substances advisory committee, to provide for a prescription monitoring program that includes certain information to be provided to the central repository for controlled substances data each time a controlled substance designated by the advisory committee under schedule II, schedule III, or schedule IV is dispensed. Provides that the state police department, instead of the health professions bureau, or the central repository is responsible for the costs of the controlled substance prescription monitoring program. Provides that the state police department is responsible for administering the controlled substance prescription monitoring program only if adequate funds are secured to implement the program. Requires the state police department, with the advice of the advisory committee, to designate a
(Continued next page)

Effective: June 30, 1999; July 1, 1999.

Tincher, Budak, Lawson L, Duncan

January 21, 1999, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.
February 25, 1999, amended, reported — Do Pass.

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central repository for the collection of the information. (Current law requires the advisory committee to designate the central repository.) Allows the state police department, with the advice of the advisory committee, to execute a contract with a vendor designated by the state police department as the central repository. Transfers responsibility for the administration of the controlled substances data fund from the health professions bureau to the state police department. Provides that the law concerning the central repository for controlled substances expires July 1, 2001, instead of July 1, 1999.

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February 26, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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HOUSE BILL No. 1649



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-48-7-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. As used in this
3 chapter, "central repository" refers to the central repository designated
4 by the ~~advisory committee~~ **state police department** under section 10
5 of this chapter.

6 SECTION 2. IC 35-48-7-8 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. The **state police**
8 **department, with the approval of the** advisory committee, shall
9 provide for a controlled substance prescription monitoring program that
10 includes the following components:

11 (1) Each time a controlled substance designated by the advisory
12 committee under ~~IC 35-48-2-6,~~ **IC 35-48-2-5 through**
13 **IC 35-48-2-10** is dispensed, the dispenser shall transmit to the
14 central repository the following information:

15 (A) The recipient's name.

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- 1 (B) The recipient's or the recipient representative's
 2 identification number.
 3 (C) The recipient's date of birth.
 4 (D) The national drug code number of the controlled substance
 5 dispensed.
 6 (E) The date the controlled substance is dispensed.
 7 (F) The quantity of the controlled substance dispensed.
 8 (G) The number of days of supply dispensed.
 9 (H) The dispenser's United States Drug Enforcement Agency
 10 registration number.
 11 (I) The prescriber's United States Drug Enforcement Agency
 12 registration number.
 13 (J) An indication as to whether the prescription was
 14 transmitted to the pharmacist orally or in writing.
- 15 (2) The information required to be transmitted under this section
 16 must be transmitted not more than fifteen (15) days after the date
 17 on which a controlled substance is dispensed.
- 18 (3) A dispenser shall transmit the information required under this
 19 section by:
 20 (A) an electronic device compatible with the receiving device
 21 of the central repository;
 22 (B) a computer diskette;
 23 (C) a magnetic tape; or
 24 (D) a pharmacy universal claim form;
 25 that meets specifications prescribed by the advisory committee.
- 26 (4) The advisory committee may require that prescriptions for
 27 controlled substances be written on a one (1) part form that
 28 cannot be duplicated. However, the advisory committee may not
 29 apply such a requirement to prescriptions filled at a pharmacy
 30 with a Type II permit (as described in IC 25-26-13-17) and
 31 operated by a hospital licensed under IC 16-21, or prescriptions
 32 ordered for and dispensed to bona fide enrolled patients in
 33 facilities licensed under IC 16-28. The committee may not require
 34 multiple copy prescription forms and serially numbered
 35 prescription forms for any prescriptions written. The committee
 36 may not require different prescription forms for any individual
 37 drug or group of drugs. Prescription forms required under this
 38 subdivision must be jointly approved by the committee and by the
 39 Indiana board of pharmacy established by IC 25-26-13-3.
- 40 (5) The costs of the program.

41 SECTION 3. IC 35-48-7-9 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. (a) The health

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1 ~~professions bureau~~ **state police department** or the central repository
 2 **are is** responsible for the costs of the program, including the following
 3 costs:

4 (1) Telephone access charges, line charges, and switch charges
 5 for transmission of data by dispensers to the central repository.

6 (2) Purchase of modems and other hardware required for program
 7 participation.

8 (3) Software and software modifications to allow dispensers to
 9 participate in the program.

10 (b) A dispenser may not be penalized for failure to comply with the
 11 program if the ~~health professions bureau~~ **state police department** or
 12 the central repository cannot secure adequate funding to implement the
 13 program and cover the costs under subsection (a).

14 (c) **The state police department is responsible for administering**
 15 **the controlled substance prescription monitoring program only if**
 16 **adequate funds are secured to implement the program.**

17 SECTION 4. IC 35-48-7-10 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The **state police**
 19 **department, with the advice of the** advisory committee, shall
 20 designate a central repository for the collection of information
 21 transmitted under section 8 of this chapter.

22 (b) The central repository shall do the following:

23 (1) Create a data base for information required to be transmitted
 24 under section 8 of this chapter in the form required under rules
 25 adopted by the advisory committee, including search capability
 26 for the following:

27 (A) A recipient's name.

28 (B) A recipient's or recipient representative's identification
 29 number.

30 (C) A recipient's date of birth.

31 (D) The national drug code number of a controlled substance
 32 dispensed.

33 (E) The dates a controlled substance is dispensed.

34 (F) The quantities of a controlled substance dispensed.

35 (G) The number of days of supply dispensed.

36 (H) A dispenser's United States Drug Enforcement Agency
 37 registration number.

38 (I) A prescriber's United States Drug Enforcement Agency
 39 registration number.

40 (J) Whether a prescription was transmitted to the pharmacist
 41 orally or in writing.

42 (2) Provide **the state police department and** the advisory

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1 committee with continuing twenty-four (24) hour a day on-line
2 access to the data base maintained by the central repository.

3 (3) Secure the information collected by the central repository and
4 the data base maintained by the central repository against access
5 by unauthorized persons.

6 (4) If the relationship between the ~~advisory committee state~~
7 **police department** and the central repository is terminated by
8 statute, provide to **the state police department and** the advisory
9 committee, within a reasonable time, all collected information and
10 the data base maintained by the central repository.

11 (c) The **state police department, with the advice of the** advisory
12 committee, may execute a contract with a vendor designated by the
13 ~~advisory committee state police department~~ as the central repository
14 under this section, or the **state police department or** advisory
15 committee may act as the central repository under this chapter.

16 (d) The central repository may gather prescription data from the
17 Medicaid retrospective drug utilization review program (DUR)
18 established by IC 12-15-35.

19 (e) The **state police department and the** advisory committee may
20 accept and designate grants, public and private financial assistance, and
21 licensure fees to provide funding for the central repository.

22 SECTION 5. IC 35-48-7-13 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) The controlled
24 substances data fund is established to fund the operation of the central
25 repository. The fund shall be administered by the ~~health professions~~
26 **bureau: state police department.**

27 (b) Expenses of administering the fund shall be paid from money in
28 the fund. The fund consists of grants, public and private financial
29 assistance, and licensure fees.

30 (c) The treasurer of state shall invest the money in the fund not
31 currently needed to meet the obligations of the fund in the same
32 manner as other public money may be invested.

33 (d) Money in the fund at the end of a state fiscal year does not revert
34 to the state general fund.

35 SECTION 6. IC 35-48-7-15 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JUNE 30, 1999]: Sec. 15. This chapter
37 expires July 1, ~~1999~~: **2001.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1649, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 13 and 14, begin a new paragraph and insert:

"(c) The state police department is responsible for administering the controlled substance prescription monitoring program only if adequate funds are secured to implement the program."

and when so amended that said bill do pass.

(Reference is to HB 1649 as introduced.)

KUZMAN, Chair

Committee Vote: yeas 11, nays 0.

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