

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.

HOUSE ENROLLED ACT No. 1649

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

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

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

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

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

- (A) The recipient's name.
- (B) The recipient's or the recipient representative's identification number.
- (C) The recipient's date of birth.

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

SECTION 3. IC 35-48-7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. (a) The ~~health professions bureau~~ **state police department** or the central repository ~~are~~ **is** responsible for the costs of the program, including the following costs:

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- (1) Telephone access charges, line charges, and switch charges for transmission of data by dispensers to the central repository.
- (2) Purchase of modems and other hardware required for program participation.
- (3) Software and software modifications to allow dispensers to participate in the program.

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

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

(b) The central repository shall do the following:

- (1) Create a data base for information required to be transmitted under section 8 of this chapter in the form required under rules adopted by the advisory committee, including search capability for the following:
 - (A) A recipient's name.
 - (B) A recipient's or recipient representative's identification number.
 - (C) A recipient's date of birth.
 - (D) The national drug code number of a controlled substance dispensed.
 - (E) The dates a controlled substance is dispensed.
 - (F) The quantities of a controlled substance dispensed.
 - (G) The number of days of supply dispensed.
 - (H) A dispenser's United States Drug Enforcement Agency registration number.
 - (I) A prescriber's United States Drug Enforcement Agency registration number.
 - (J) Whether a prescription was transmitted to the pharmacist orally or in writing.
- (2) Provide **the state police department and** the advisory committee with continuing twenty-four (24) hour a day on-line access to the data base maintained by the central repository.
- (3) Secure the information collected by the central repository and the data base maintained by the central repository against access by unauthorized persons.
- (4) If the relationship between the ~~advisory committee~~ **state**

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police department and the central repository is terminated by statute, provide to **the state police department and** the advisory committee, within a reasonable time, all collected information and the data base maintained by the central repository.

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

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

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

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

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

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

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

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

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