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# HOUSE BILL No. 1465

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-1-13; IC 35-48-7.

**Synopsis:** INSPECT program. Requires a health care practitioner to use the Indiana scheduled prescription electronic collection and tracking (INSPECT) program before prescribing, dispensing, or administering a controlled substance in an amount that exceeds a 30 day supply for treatment of a patient's pain. Requires that the INSPECT program data base must include criminal convictions relating to a recipient's possession, use, diversion, or distribution of a controlled substance or other illegal drugs, except marijuana, if the criminal conviction information is made available to the INSPECT program by the state police through the uniform crime reporting system or other mechanisms or formats. Provides that the controlled substances registration fees must be deposited into the controlled substances data fund. (Current law requires the deposit of 16% of the fees into the fund.)

**Effective:** July 1, 2013.

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### Davisson, Kubacki, Morris

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January 22, 2013, read first time and referred to Committee on Public Health.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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# HOUSE BILL No. 1465



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 25-1-13-2.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2013]: **Sec. 2.5. For purposes of this chapter, "controlled  
4 substance" has the meaning set forth in IC 35-48-1-9.**  
5 SECTION 2. IC 25-1-13-3.5 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2013]: **Sec. 3.5. For purposes of this chapter, "practitioner" has  
8 the meaning set forth in IC 35-48-7-5.8.**  
9 SECTION 3. IC 25-1-13-7 IS ADDED TO THE INDIANA CODE  
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
11 1, 2013]: **Sec. 7. (a) This section applies to a practitioner who  
12 provides treatment for pain if the treatment includes the  
13 prescribing, dispensing, or administering of a controlled substance.**  
14 **(b) A practitioner shall use the INSPECT program before  
15 prescribing, dispensing, or administering a controlled substance in  
16 an amount that exceeds a thirty (30) day supply for treatment of a  
17 patient's (as defined in IC 35-48-7-5.6) pain.**



1 SECTION 4. IC 35-48-7-10.1, AS AMENDED BY P.L.84-2010,  
 2 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2013]: Sec. 10.1. (a) The INSPECT program must do the  
 4 following:

5 (1) Create a data base for information required to be transmitted  
 6 under section 8.1 of this chapter in the form required under rules  
 7 adopted by the board, including search capability for the  
 8 following:

9 (A) A controlled substance recipient's name.

10 (B) A controlled substance recipient's or recipient  
 11 representative's identification number.

12 (C) A controlled substance recipient's date of birth.

13 (D) The national drug code number of a controlled substance  
 14 dispensed.

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

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

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

18 (H) A dispenser's United States Drug Enforcement Agency  
 19 registration number.

20 (I) A prescriber's United States Drug Enforcement Agency  
 21 registration number.

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

24 (K) A controlled substance recipient's method of payment for  
 25 the controlled substance dispensed.

26 **(L) Criminal convictions relating to a controlled substance**  
 27 **recipient's possession, use, diversion, or distribution of a**  
 28 **controlled substance or other illegal drugs, except**  
 29 **marijuana, if the criminal conviction information is made**  
 30 **available to the INSPECT program by the state police**  
 31 **through the uniform crime reporting system or other**  
 32 **mechanisms or formats.**

33 (2) Provide the board with continuing twenty-four (24) hour a day  
 34 online access to the data base.

35 (3) Secure the information collected and the data base maintained  
 36 against access by unauthorized persons.

37 (b) The board may execute a contract with a vendor designated by  
 38 the board to perform any function associated with the administration of  
 39 the INSPECT program.

40 (c) The INSPECT program may gather prescription data from the  
 41 Medicaid retrospective drug utilization review (DUR) program  
 42 established under IC 12-15-35.

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1 (d) The board may accept and designate grants, public and private  
 2 financial assistance, and licensure fees to provide funding for the  
 3 INSPECT program.

4 SECTION 5. IC 35-48-7-13.1, AS ADDED BY P.L.65-2006,  
 5 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2013]: Sec. 13.1. ~~(a) This section applies after June 30, 2007.~~

7 ~~(b)~~ **(a)** The controlled substances data fund is established to fund the  
 8 operation of the INSPECT program. The fund shall be administered by  
 9 the Indiana professional licensing agency.

10 ~~(c)~~ **(b)** Expenses of administering the fund shall be paid from money  
 11 in the fund. The fund consists of grants, public and private financial  
 12 assistance, and ~~sixteen percent (16%)~~ of the controlled substances  
 13 registration fees imposed under rules adopted under IC 35-48-3-1.

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

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

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