ARTICLE 6. CONTROLLED SUBSTANCE MONITORING

Rule 1. Electronic Prescription Monitoring Program

856 IAC 6-1-1 Definitions

Authority: IC 35-48-7-12.1
Affected: IC 35-48-2

Sec. 1. (a) As used in this article, "department" refers to the Indiana state police department.

(b) As used in this article, "dispense" means the actual or constructive transfer from one (1) person to another whether or not there is an agency relationship.

(c) As used in this article, "dispenser" has the meaning set forth in IC 35-48-7-3 *[IC 35-48-7-3 was repealed by P.L.105-2008, SECTION 66, effective January 1, 2009.]*.

(d) As used in this article, "Schedule II controlled substance" means a controlled substance classified in Schedule II:

(1) under IC 35-48-2-6; or

(2) by rule adopted under IC 35-48-2-14.

(e) As used in this article, "Schedule III controlled substance" means a controlled substance classified in Schedule III:

(1) under IC 35-48-2-8; or

(2) by rule adopted under IC 35-48-2-14.

(f) As used in this article, "Schedule IV controlled substance" means a controlled substance classified in Schedule IV:

(1) under IC 35-48-2-10; or

(2) by rule adopted under IC 35-48-2-14.

(g) As used in this article, "Schedule V controlled substance" means a controlled substance classified in Schedule V:

(1) under IC 35-48-2-12; or

(2) by rule adopted under IC 35-48-2-14.

(h) As used in this article, "universal claim form" means a nationally recognized standard form developed by the National Council for Prescription Drug Programs used for billing drug claims to insurance plans. *(Indiana Board of Pharmacy; 856 IAC 6-1-1; filed Oct 6, 1994, 1:30 p.m.: 18 IR 266; filed Jan 27, 2000, 7:49 a.m.: 23 IR 1383; readopted filed Nov 30, 2001, 2:47 p.m.: 25 IR 1344; filed Apr 16, 2004, 10:07 a.m.: 27 IR 2731; readopted filed Nov 17, 2010, 9:36 a.m.: 20101215-IR-856100487RFA) NOTE: Transferred from the Controlled Substances Advisory Committee (858 IAC 2-1-1) to the Indiana Board of Pharmacy (856 IAC 6-1-1) by P.L.84-2010, SECTION 70, effective July 1, 2010.*

856 IAC 6-1-2 Applicability

Authority: IC 35-48-7-12.1
Affected: IC 35-48

Sec. 2. This article shall apply to Schedule II, III, IV, and V controlled substances and shall not apply to any other drug. *(Indiana Board of Pharmacy; 856 IAC 6-1-2; filed Oct 6, 1994, 1:30 p.m.: 18 IR 267; readopted filed Nov 30, 2001, 2:47 p.m.: 25 IR 1344; filed Apr 16, 2004, 10:07 a.m.: 27 IR 2731; readopted filed Nov 17, 2010, 9:36 a.m.: 20101215-IR-856100487RFA) NOTE: Transferred from the Controlled Substances Advisory Committee (858 IAC 2-1-2) to the Indiana Board of Pharmacy (856 IAC 6-1-2) by P.L.84-2010, SECTION 70, effective July 1, 2010.*

856 IAC 6-1-3 Prescription monitoring program

Authority: IC 35-48-7-12.1
Affected: IC 35-48

Sec. 3. (a) Each time a Schedule II, III, IV, or V controlled substance is dispensed, the dispenser shall transmit to the central repository information outlined in IC 35-48-7-8 *[IC 35-48-7-8 was repealed by P.L.3-2008, SECTION 269, effective March 13, 2008.]*.

(b) Dispensers reporting more than twenty (20) Schedule II, III, IV, or V prescriptions in any given month must transmit to the central repository information outlined in IC 35-48-7-8 *[IC 35-48-7-8 was repealed by P.L.3-2008, SECTION 269, effective*

March 13, 2008.] utilizing one (1) of the following:

(1) An electronic device compatible with the receiving device of the central repository.

(2) A computer diskette.

(3) A magnetic tape.

(c) Dispensers reporting less than twenty (20) Schedule II, III, IV, or V prescriptions in any given month may submit data utilizing a universal claim form or transmit the information utilizing the ways outlined in subsection (b).

(d) The committee may grant a waiver to a dispenser which is unable to transmit the required data in accordance with subsection (b) for a period of one hundred eighty (180) days from the effective date of this rule which one hundred eighty (180) day period may be extended by the committee at its discretion. During the effective period of the waiver and any extension granted by the committee, the dispenser shall submit the required data in a format acceptable to the committee. *(Indiana Board of Pharmacy; 856 IAC 6-1-3; filed Oct 6, 1994, 1:30 p.m.: 18 IR 267; readopted filed Nov 30, 2001, 2:47 p.m.: 25 IR 1344; filed Apr 16, 2004, 10:07 a.m.: 27 IR 2731; readopted filed Nov 17, 2010, 9:36 a.m.: 20101215-IR-856100487RFA) NOTE: Transferred from the Controlled Substances Advisory Committee (858 IAC 2-1-3) to the Indiana Board of Pharmacy (856 IAC 6-1-3) by P.L.84-2010, SECTION 70, effective July 1, 2010.*

856 IAC 6-1-4 Application for payment of pharmacy costs

Authority: IC 35-48-7-12.1

Affected: IC 35-48

Sec. 4. (a) Before the department will pay for the purchase of hardware to comply with the program, an applicant must file an application provided by the department and provide the following information:

(1) The dispenser's name, address, and Indiana license number.

(2) A detailed description of the dispenser's current computer hardware, including the name and manufacturer of all components.

(3) A detailed description of the hardware the dispenser intends to purchase and two (2) price quotes from computer hardware vendors.

(4) The reason why the dispenser believes the computer hardware will be necessary to comply with the program.

(5) The number of Schedule II, III, IV, and V prescriptions the pharmacy dispenses in any given month.

(b) Upon receipt of an application requesting that the department pay for computer hardware, the committee shall evaluate the dispenser's current technology in determining whether the dispenser would be required to purchase new computer hardware. The committee shall take into account the ability of the dispenser to utilize any one (1) of the methods outlined in section 3 of this rule.

(c) The central repository shall provide grants to software vendors to update software in order for dispensers to comply with the program as outlined in contract form.

(d) The department and the central repository shall pay for telephone access charges, line charges, and switch charges for transmission of data by dispensers to the central repository. *(Indiana Board of Pharmacy; 856 IAC 6-1-4; filed Oct 6, 1994, 1:30 p.m.: 18 IR 267; filed Jan 27, 2000, 7:49 a.m.: 23 IR 1384; readopted filed Nov 30, 2001, 2:47 p.m.: 25 IR 1344; filed Apr 16, 2004, 10:07 a.m.: 27 IR 2732; readopted filed Nov 17, 2010, 9:36 a.m.: 20101215-IR-856100487RFA) NOTE: Transferred from the Controlled Substances Advisory Committee (858 IAC 2-1-4) to the Indiana Board of Pharmacy (856 IAC 6-1-4) by P.L.84-2010, SECTION 70, effective July 1, 2010.*

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