

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 723

Short Title: Strengthen Controlled Sub. Reporting System.

(Public)

Sponsors: Senators Hise; and Brock.

Referred to: Judiciary I.

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE CONTROLLED SUBSTANCES REPORTING SYSTEM
BY REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO
UPDATE THE SYSTEM TO PROVIDE REAL-TIME PRESCRIPTION INFORMATION,
BY REQUIRING DISPENSERS TO REPORT PRESCRIPTION INFORMATION
WITHIN TWENTY-FOUR HOURS AFTER DISPENSING A PRESCRIPTION, AND BY
REQUIRING PRESCRIBERS AND DISPENSERS TO REVIEW INFORMATION IN
THE CONTROLLED SUBSTANCES REPORTING SYSTEM PRIOR TO
PRESCRIBING OR DISPENSING A CONTROLLED SUBSTANCE TO A PATIENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-113.73 reads as rewritten:

"§ 90-113.73. Requirements for controlled substances reporting system.

(a) The Department shall establish and maintain ~~a~~an electronic reporting system ~~of~~
~~prescriptions~~that provides real-time prescription information for all Schedule II through V
controlled substances. Each dispenser shall submit the information in accordance with
transmission methods and frequency established by rule by the Commission. The Department
may issue a waiver to a dispenser that is unable to submit prescription information by
electronic means. The waiver may permit the dispenser to submit prescription information by
paper form or other means, provided all information required of electronically submitted data is
submitted. ~~The dispenser shall report the information required under this section on a monthly~~
~~basis for the first 12 months of the Controlled Substances Reporting System's operation, and~~
~~twice monthly thereafter, until January 2, 2010, at which time dispensers~~Dispensers shall
report the information required under this section no later than ~~seven days~~24 hours after the
prescription is dispensed in a format as determined annually by the Department based on the
format used in the majority of the states operating a controlled substances reporting system.

(b) The Commission shall adopt rules requiring dispensers to report the following
~~information. The~~information within 24 hours after dispensing a prescription for a Schedule II
through V controlled substance. With the exception of the 24-hour reporting requirement, the
Commission may modify these requirements as necessary to carry out the purposes of this
Article. The dispenser shall report:

- (1) The dispenser's DEA number.
- (2) The name of the patient for whom the controlled substance is being
dispensed, and the patient's:
 - a. Full address, including city, state, and zip code,
 - b. Telephone number, and
 - c. Date of birth.
- (3) The date the prescription was written.



- 1 (4) The date the prescription was filled.
- 2 (5) The prescription number.
- 3 (6) Whether the prescription is new or a refill.
- 4 (7) Metric quantity of the dispensed drug.
- 5 (8) Estimated days of supply of dispensed drug, if provided to the dispenser.
- 6 (9) National Drug Code of dispensed drug.
- 7 (10) Prescriber's DEA number."

8 **SECTION 2.** Article 5E of Chapter 90 of the General Statutes is amended by
9 adding a new section to read:

10 "**§ 90-113.74A. Mandatory use of controlled substances reporting system.**

11 (a) Each person authorized to prescribe or dispense a controlled substance for the
12 purpose of providing medical or pharmaceutical care for a patient shall, prior to prescribing or
13 dispensing a controlled substance, review all information contained in the controlled substances
14 reporting system pertaining to the patient for the preceding 12-month period to determine if the
15 prescription is medically necessary and appropriate. This section does not apply to an
16 emergency situation in which immediate action is necessary to preserve the life or health of a
17 patient.

18 (b) The Commission may adopt rules as necessary to implement this section."

19 **SECTION 3.** This act becomes effective December 1, 2011.