

1 S.242

2 Introduced by Senators Sears and Doyle

3 Referred to Committee on

4 Date:

5 Subject: Health; possession and control of regulated drugs; prescription;
6 pharmacy

7 Statement of purpose: This bill proposes to require a physician to write a
8 patient's date of birth and the amount prescribed both in numeric and word
9 form to indicate quantity when prescribing a controlled substance; require
10 identification when picking up a prescription from a pharmacy; and establish a
11 security code for each doctor to use when ordering a prescription for a
12 controlled substance over the telephone.

13 An act relating to prescribing a controlled substance

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 18 V.S.A. § 4201(26) is amended to read:

16 (26) "Prescription" means an order for a regulated drug made by a
17 physician, dentist, or veterinarian licensed under this chapter to prescribe such
18 a drug which shall be in writing except as otherwise specified ~~herein~~ in this
19 subdivision. Prescriptions for such drugs shall be made to the order of an
20 individual patient, dated as of the day of issue and signed by the prescriber.

1 The prescription shall bear the full name and address of the patient, or if the
2 patient is an animal, the name and address of the owner of the animal and the
3 species of the animal. Such prescription shall also bear the full name, address,
4 and date of birth of the patient, and registry number of the prescriber and shall
5 be written with ink, indelible pencil, or typewriter; if typewritten, it shall be
6 signed by the physician. A prescription for a controlled substance, as defined
7 in 21 C.F.R. Part 1308, shall contain the quantity of the drug written both in
8 numeric and word form.

9 Sec. 2. 18 V.S.A. § 4223 is amended to read:

10 § 4223. FRAUD OR DECEIT

11 (a) No person shall obtain or attempt to obtain a regulated drug, or procure
12 or attempt to procure the administration of a regulated drug;

13 (1) by fraud, deceit, misrepresentation, or subterfuge;

14 (2) by the forgery or alteration of a prescription or of any written order;

15 (3) by the concealment of a material fact; or

16 (4) by the use of a false name or the giving of a false address.

17 (b) Information communicated to a physician in an effort unlawfully to
18 procure a regulated drug or unlawfully to procure the administration of any
19 such drug shall not be deemed a privileged communication.

1 (c) No person shall wilfully make a false statement in, or fail to prepare or
2 obtain or keep, or refuse the inspection or copying under this chapter of, any
3 prescription, order, report, or record required by this chapter.

4 (d) No person shall, for the purpose of obtaining a regulated drug, falsely
5 assume the title of, or represent himself or herself to be a manufacturer,
6 wholesaler, pharmacist, physician, dentist, veterinarian, or other authorized
7 person.

8 (e) No person shall make or utter any false or forged prescription or false or
9 forged written order.

10 (f) No person shall affix any false or forged label to a package or receptacle
11 containing regulated drugs.

12 (g) The provisions of this section shall apply to all transactions relating to
13 amounts or types of drugs excepted from the provisions of this chapter by
14 regulation of the board of health under section 4204 of this title, in the same
15 was as they apply to transactions relating to any other regulated drug.

16 (h) Any person who in the course of treatment, is supplied with regulated
17 drugs or a prescription therefor by one physician and who, without disclosing
18 the fact, is knowingly supplied during such treatment with regulated drugs or a
19 prescription therefor by another physician, shall be guilty of a violation of this
20 section.

1 (i) A person who violates this section shall be imprisoned not more than
2 two years and one day or fined not more than \$5,000.00, or both.

3 (j) A person shall provide a pharmacist with suitable identification prior to
4 obtaining a regulated drug ordered by prescription. This section shall not
5 prevent a person from obtaining a prescription on behalf of the person for
6 whom the regulated drug was prescribed. The department of health shall adopt
7 rules to implement this subsection with the intent of preventing fraudulent
8 diversion of regulated drugs without impeding patient access to needed
9 medication.

10 Sec. 3. 26 V.S.A. § 2032(c) is amended to read:

11 (c) The board of pharmacy shall also have the following responsibilities in
12 regard to medications, drugs, devices, and other materials used in this state in
13 the diagnosis, mitigation, and treatment or prevention of injury, illness, and
14 disease:

15 (1) The regulation of the sale at retail and the dispensing of medications,
16 drugs, devices, and other materials, including the right to seize any such drugs,
17 devices, and other materials found to be detrimental to the public health and
18 welfare by the board pursuant to an appropriate hearing as required under the
19 administrative procedure act;

20 (2) The specifications of minimum professional and technical
21 equipment, environment, supplies, and procedures for the compounding or

1 dispensing of such medications, drugs, devices, and other materials within the
2 practice of pharmacy;

3 (3) The control of the purity and quality of such medications, drugs,
4 devices, and other materials within the practice of pharmacy;

5 (4) The issuance of certificates of registration and licenses of drug
6 outlets;

7 (5) The development of criteria for a standardized tamper-resistant
8 prescription pad that can be used by all health care providers who prescribe
9 drugs. Such criteria shall be developed in consultation with pharmacists,
10 hospitals, nursing homes, physicians and other prescribers, and other affected
11 parties;

12 (6) The issuance of a security code for each physician to be used when
13 ordering a prescription over the telephone for a controlled substance. Each
14 physician shall create an individual security code. To verify a physician's
15 identity all physician security codes shall be recorded and maintained by the
16 board and accessible online to pharmacists.

17 Sec. 4. EFFECTIVE DATE

18 This act shall take effect on July 1, 2012.