

1 H.364

2 Introduced by Representative Buxton of Tunbridge

3 Referred to Committee on

4 Date:

5 Subject: Health; pharmacies; prescription drugs; lost or stolen prescription
6 drugs

7 Statement of purpose of bill as introduced: This bill proposes to require health
8 care providers to report to the Department of Public Safety when they receive a
9 request for a replacement prescription for a controlled substance. It would also
10 require dispensers to report to the Vermont Prescription Monitoring System
11 when they fill a replacement prescription for a controlled substance.

12 An act relating to replacement prescriptions for controlled substances

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

14 Sec. 1. 18 V.S.A. § 4288 is added to read:

15 § 4288. REPLACEMENT PRESCRIPTIONS AND MEDICATIONS

16 (a) As used in this section, “replacement prescription” means a prescription
17 written for a medication for which the health care provider has already written
18 a prescription for the patient and for which a new prescription for the same
19 medication would not be timely but for the patient’s report to the health care

1 provider that the document on which the original prescription was written or
2 the prescribed medication itself has been lost or stolen.

3 (b) When a patient or a patient's parent or guardian requests a replacement
4 prescription for a Schedule II, III, or IV controlled substance, it shall be in the
5 discretion of the patient's health care provider to decide whether to write the
6 prescription.

7 (c) If a health care provider chooses to write a replacement prescription for
8 a Schedule II, III, or IV controlled substance pursuant to this section, the health
9 care provider shall:

10 (1) clearly indicate that the prescription is a replacement by writing the
11 word "REPLACEMENT" on the face of the prescription;

12 (2) notify the patient or the patient's parent or guardian of the health
13 care provider's duty to report the lost or stolen prescription to the Department
14 of Public Safety and to notify the Department of the replacement prescription;
15 and

16 (3) within 24 hours after writing the replacement prescription, report the
17 lost or stolen prescription to the Department of Public Safety's Prescription
18 Drug Division and provide the Department with the following information:

19 (A) the patient's name and address;

20 (B) the name of the medication and the dosage prescribed; and

21 (C) the dates of the original and replacement prescriptions.

1 (d) When a dispenser fills a replacement prescription for a Schedule II, III,
2 or IV controlled substance, the dispenser shall report the required information
3 to the VPMS and shall also indicate that the prescription is a replacement by
4 completing the specific VPMS field provided for such purpose. In addition,
5 the dispenser shall report to the VPMS the name of the person picking up the
6 replacement prescription, if not the patient.

7 (e) The VPMS shall create a mechanism by which the Department may
8 search the database for information on all or a subset of all replacement
9 prescriptions written or dispensed pursuant to this section.

10 (f) Prescriptions and reports generated pursuant to this section are
11 confidential and are exempt from public inspection and copying under the
12 Public Records Act.

13 Sec. 2. EFFECTIVE DATE

14 This act shall take effect on passage, except that dispensers shall not be
15 required to complete the VPMS field regarding replacement prescriptions until
16 the VPMS has added the field, which shall be no later than October 1, 2013.