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H.821

Introduced by Representatives Till of Jericho, Ancel of Calais, Bancroft of Westford, Botzow of Pownal, Branagan of Georgia, Buxton of Tunbridge, Christie of Hartford, Cupoli of Rutland City, Dakin of Chester, Deen of Westminster, Dickinson of St. Albans Town, Emmons of Springfield, Grad of Moretown, Jerman of Essex, Johnson of South Hero, LaLonde of South Burlington, Lanpher of Vergennes, Lucke of Hartford, Macaig of Williston, Marcotte of Coventry, Morris of Bennington, Olsen of Londonderry, Patt of Worcester, Pearson of Burlington, Potter of Clarendon, Russell of Rutland City, Ryerson of Randolph, Shaw of Pittsford, Sheldon of Middlebury, Stuart of Brattleboro, Sullivan of Burlington, Toll of Danville, Townsend of South Burlington, Troiano of Stannard, Yantachka of Charlotte, Young of Glover, and Zagar of Barnard

Referred to Committee on

Date:

Subject: Health; prescription drugs; Vermont Prescription Monitoring System; pharmacies; physicians; opioids

1 Statement of purpose of bill as introduced: This bill proposes to impose
2 criminal penalties on health care providers who prescribe regulated drugs in an
3 inappropriate manner. It would require all pharmacies that dispense regulated
4 drugs to accept and dispose of unused and unwanted drugs. It would require
5 veterinarians to participate in the Vermont Prescription Monitoring System and
6 authorize investigators and detectives with the Vermont State Police Drug
7 Diversion Unit to obtain information from the Vermont Prescription
8 Monitoring System regarding health care professionals' prescribing practices.
9 The bill would also allow partial filling of a prescription for a regulated drug
10 and require creation of a curriculum to educate health care providers regarding
11 the appropriate numbers of an opioid controlled substance to prescribe to a
12 patient following different types of surgeries and procedures.

13 An act relating to opioids, regulated drugs, and the Vermont Prescription
14 Monitoring System

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

16 Sec. 1. 18 V.S.A. § 4205 is amended to read:

17 § 4205. ACTS PROHIBITED

18 (a) It shall be unlawful for any person to manufacture, possess, have under
19 his or her control, sell, prescribe, administer, dispense, or compound any
20 regulated drug, except as authorized in this chapter.

1 (b)(1) A practitioner shall not issue a prescription for a regulated drug:

2 (A) without having conducted a physical examination of the patient
3 within the preceding 12 months;

4 (B) knowing that the patient plans to deliver the drug to others;

5 (C) that bears no logical relationship to treatment of the condition
6 from which the patient allegedly suffers; or

7 (D) in exchange for sexual favors or money.

8 (2) A practitioner who violates the provisions of subdivision (1) of this
9 subsection shall be subject to disciplinary action by the appropriate licensing
10 board and shall be imprisoned for not more than one year or fined not more
11 than \$2,000.00, or both.

12 Sec. 2. 18 V.S.A. chapter 84, subchapter 4 is added to read:

13 Subchapter 4. Prescription Drug Disposal

14 § 4261. PRESCRIPTION DRUG DISPOSAL AT PHARMACIES

15 All Vermont pharmacies that dispense regulated prescription drugs shall
16 accept unused or unwanted regulated prescription drugs at no charge to the
17 consumer, regardless of whether the consumer purchased the drugs from the
18 pharmacy or is a current or former customer of the pharmacy. The pharmacy
19 shall comply with all federal laws and U.S. Drug Enforcement Agency
20 regulations and guidance regarding appropriate disposal of unused or unwanted
21 prescription drugs obtained pursuant to this section.

1 dispense any more of the drug on the behalf of the patient or animal without a
2 new prescription.

3 (d) The legal owner of any stock of regulated drugs, upon discontinuance
4 of dealing in such drugs, shall promptly sell such drugs to a manufacturer,
5 wholesaler, or pharmacist, but only on an official written order.

6 Sec. 5. 18 V.S.A. § 4218 is amended to read:

7 § 4218. ENFORCEMENT

8 * * *

9 (d) ~~Nothing in this section shall authorize the Department of Public Safety~~
10 ~~and other authorities described in subsection (a) of this section to~~ The Vermont
11 State Police Drug Diversion Unit shall have access to VPMS (information
12 from the Vermont Prescription Monitoring System) created pursuant to chapter
13 84A of this title, ~~except~~ as provided in that chapter.

14 (e) The Department of Public Safety, in consultation with representatives
15 of licensed Vermont pharmacies, shall adopt standard operating guidelines for
16 accessing pharmacy records through the authority granted in this section. Any
17 person authorized to access pharmacy records pursuant to subsection (a) of this
18 section shall follow the Department of Public Safety's guidelines. These
19 guidelines shall be a public record.

20 (f) Annually on or before January 15, the Commissioner of Public Safety
21 shall report to the House Committees on Human Services and on Judiciary and

1 the Senate Committees on Health and Welfare and on Judiciary regarding the
2 activities of the Vermont State Police Drug Diversion Unit during the
3 preceding year. The report shall include the number and types of
4 investigations undertaken during the preceding year as well as recognizable
5 trends the Commissioner expects for the upcoming year.

6 Sec. 6. 18 V.S.A. § 4282 is amended to read:

7 § 4282. DEFINITIONS

8 As used in this chapter:

9 (1) “Dispenser” shall mean any person who “dispenses” or engages in
10 “dispensing” as those terms are defined in 26 V.S.A. § 2022(5).

11 (2) “Health care provider” shall mean an individual licensed, certified,
12 or otherwise authorized by law to provide professional health care ~~service~~
13 services in this State to an individual during that individual’s medical or dental
14 care, treatment, or confinement. As used in this chapter, the term shall include
15 a veterinarian licensed pursuant to 26 V.S.A. chapter 44.

16 * * *

17 Sec. 7. 18 V.S.A. § 4284 is amended to read:

18 § 4284. PROTECTION AND DISCLOSURE OF INFORMATION

19 * * *

20 (b)(1) The Department shall provide only the following persons with access
21 to query the VPMS:

1 (A) a health care provider, dispenser, or delegate who is registered
2 with the VPMS and certifies that the requested information is for the purpose
3 of providing medical or pharmaceutical treatment to a bona fide current
4 patient;

5 (B) personnel or contractors, as necessary for establishing and
6 maintaining the VPMS;

7 (C) the Medical Director of the Department of Vermont Health
8 Access, for the purposes of Medicaid quality assurance, utilization, and federal
9 monitoring requirements with respect to Medicaid recipients for whom a
10 Medicaid claim for a Schedule II, III, or IV controlled substance has been
11 submitted;

12 (D) a medical examiner or delegate from the Office of the Chief
13 Medical Examiner, for the purpose of conducting an investigation or inquiry
14 into the cause, manner, and circumstances of an individual's death;

15 (E) a health care provider or medical examiner licensed to practice in
16 another state, to the extent necessary to provide appropriate medical care to a
17 Vermont resident or to investigate the death of a Vermont resident; and

18 (F) a drug diversion investigator or a detective with the Vermont
19 State Police Drug Diversion Unit, who shall access the VPMS only for the
20 purpose of investigating allegations of improper or inappropriate prescription

1 practices by a health care provider and shall obtain only de-identified
2 information regarding individual patients.

3 * * *

4 (e) ~~A drug diversion investigator who may receive information pursuant to~~
5 ~~this section shall not have access to VPMS except for information provided to~~
6 ~~the officer by the licensing or certification authority. [Repealed.]~~

7 * * *

8 Sec. 8. ACADEMIC DETAILING

9 The Department of Health shall direct the academic detailing program
10 developed pursuant to 18 V.S.A. § 4622 to develop an educational curriculum
11 regarding the appropriate numbers of an opioid controlled substance to
12 prescribe to a patient following different types of surgeries and procedures.
13 The Department shall coordinate with the program to deliver the curriculum to
14 health care providers throughout Vermont who perform surgery or procedures,
15 or both.

16 Sec. 9. EFFECTIVE DATES

17 (a) Secs. 1 (unlawful prescription of regulated drugs), 4 (partial fills of
18 regulated drug prescriptions), 5 and 7 (Drug Diversion Unit access to VPMS),
19 6 (veterinarians; VPMS), and 8 (academic detailing) shall take effect on
20 July 1, 2016.

1 (b) Sec. 3 (acceptance and disposal of regulated prescription drugs;
2 rulemaking) and this section shall take effect on passage, at which time the
3 Board of Pharmacy shall commence the rulemaking process in order to ensure
4 that the rules for acceptance and disposal of prescription drugs are in place on
5 or before July 1, 2017.

6 (c) Sec. 2 (acceptance and disposal of regulated prescription drugs) shall
7 take effect on July 1, 2017.