

Missouri Might Place More Restrictions on Prescriptions

By Brent Martin March 5, 2008

First the amount of pseudoephedrine you could buy was limited, then pseudoephedrine was put behind the counter, now all prescriptions might be monitored in an effort to combat methamphetamine production and the trafficking of prescription drugs.

Preliminary approval has been given in the House to the Drug Monitoring Act (HCS HB 1619), which would require the Health Department to keep track of the prescriptions dispensed by pharmacists. Pharmacists would electronically file with the department the drugs prescribed and how often they were dispensed.

Rep. Jeff Roorda (D-Barnhart) tells colleagues during floor debate they face a simple choice. He says that if a lawmakers votes in favor of the bill, he is voting for the manufacturing of methamphetamine in the state. Roorda also says the bill will cut down on the number of doctors and pharmacist trafficking in prescription drugs.

Rep. Rob Schaaf (R-St. Joseph) raises questions about the bill. He doesn't take much stock in a provision that all prescription information must be kept confidential, saying, "There is no data that is truly secure."

Schaaf argues that there will be leaks and the private prescription information of patients will somehow become public.

Stores selling pseudoephedrine would have to keep an electronic log of each transaction. The bill appears well on its way to passage, winning preliminary approval on a 107-to-49 vote. See the committee version of the bill below:

HCS HB 1619 -- DRUG MONITORING ACT

SPONSOR: Bruns (Jones, 117)

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 10 to 0.

This substitute establishes the Drug Monitoring Act in the Department of Health and Senior Services and changes the laws regarding drugs and controlled substances. In its main provisions, the substitute:

- (1) Revises the current list of controlled substances;
- (2) Requires the department to develop a program, subject to appropriations, to monitor the prescribing and dispensing of all Schedule II through Schedule V controlled substances by all licensed professionals who prescribe or dispense these substances

in Missouri;

(3) Requires the dispenser to electronically submit to the department information for each prescription and specifies the frequency of the submissions;

(4) Allows the department to issue a waiver to a dispenser who is unable to submit the required information electronically. If a waiver is obtained, a dispenser can submit the required information in paper format or by other approved means;

(5) Requires all submitted prescription information to be confidential. Exceptions to this requirement include violations of the law or breaches of professional standards which result in an investigation and the submission or the release of prescription information to authorized persons;

(6) Authorizes the release of non-personal, general information for statistical, educational, or research purposes;

(7) Authorizes the department to contract with other state agencies or private vendors to implement the provisions of the substitute and requires the department to develop an educational course, when appropriate, to work with associations for impaired professionals to ensure the intervention, treatment, and ongoing monitoring of patients who have been identified as addicted to substances monitored by the substitute; and

(8) Requires a person selling pseudoephedrine products to keep an electronic log of each transaction and specifies what information must be recorded in the transaction log.

The provisions of the substitute regarding the Drug Monitoring Act will expire six years from the effective date.

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$1,140,315 in FY 2009, \$692,636 in FY 2010, and \$699,042 in FY 2011. No impact on Other State Funds in FY 2009, FY 2010, and FY 2011.

PROPOSERS: Supporters say that Missouri is still first in the nation in the number of methamphetamine laboratories. This is true because there is a lack of a centralized database to track purchases of substances used to make methamphetamine. The bill will deter methamphetamine production as well as monitor prescription drug use. Currently, physicians are being scammed and pressured into prescribing drugs because there is no way to monitor a person's pain level. The bill will help a doctor monitor if his or her patient has been to several doctors or pharmacies to obtain prescriptions for similar drugs.

Testifying for the bill were Representative Jones (117); Department of Health and Senior Services; Missouri Retailers Association; Jim Kelly, Missouri Society of Anaesthesiologists; Tom Rhoton, Appriss Software Company; Missouri State Troopers Association; Missouri State Medical Association; Missouri Sheriffs Association; Missouri Pharmacy Association; and Office of the Attorney General.

OPPONENTS: There was no opposition voiced to the Committee.