

The National Association of State Controlled Substances Authorities
State Regulatory Developments
DECEMBER 2008

ARIZONA

Records and Order Forms/Controlled Substance Inventory - Notice announces the intention of the Board of Pharmacy to amend regulations to remove the requirement that a pharmacist-in-charge at a manufacturer take a controlled substance inventory. Comments are requested, but a due date is not specified. Contact: Dean Wright; Board of Pharmacy; (602-771-2727).

Prescription Medication Donation Program - Final rule of the Board of Pharmacy amends regulations to establish requirements for the prescription medication donation program. The rule also adds definitions for "health care institution" and "licensed health care professional." The rule is effective Jan. 3, 2009. Contact: Dean Wright; Board of Pharmacy; (602-771-2727)

Distribution of Drugs During a Declared State of Emergency - Final rule of the Board of Pharmacy amends regulations under R4-23-110, -412, -413, and -617 regarding the distribution of drugs during a declared state of emergency. The rule defines terms and establishes requirements for the dispensing of an emergency refill prescription, temporary recognition of nonresident licensees working in the state during a declared emergency, and operation of temporary pharmacy facilities or mobile pharmacies during a declared emergency. The rule is effective Jan. 3, 2009. Contact: Dean Wright; Board of Pharmacy; (602-771-2744)

KANSAS

Controlled Substances/N-Benzylpiperazine - Proposed rule of the Board of Pharmacy would adopt regulations under a new Section KAR 68-20-23 to classify N-benzylpiperazine as a Schedule I controlled substance. A hearing is scheduled for Feb. 3, 2009, in Topeka. Comments are due Feb. 3, 2009. Contact: Debra Billingsley; Board of Pharmacy; (785-296-4056).

NEW YORK

Official State Prescription Form - Final rule of the Department of Health amends regulations under 10 NYCRR 80, repeals regulations under 10 NYCRR 85 and 528, and adopts regulations under a new Section 10 NYCRR 505.3 and a new Part 10 NYCRR 910 to establish the serialized official state prescription form to help prevent fraud. The rule is effective Nov. 26, 2008. Contact: Katherine Ceroalo; DOH, Office of Regulatory Affairs; (518-473-7488)

NURSING HOMES - Controlled Substances Data Submissions - Proposed rule of the Department of Health would amend regulations under 10 NYCRR 80.2 through .134 (nonconsecutive) regarding controlled substances data submissions to prevent diversion of prescription controlled substances. The proposal would require pharmacies to submit information regarding the method of payment and whether the dispensed prescription was a refill or an original. The proposal also would require distributors and manufacturers of controlled substances to submit controlled substance sales data. In addition, the proposal would provide practitioners with increased flexibility when treating chronic pain from conditions other than diseases and increases the time that hospice patients may wait to fill their controlled substance prescriptions. The proposal currently is in effect as an emergency rule. Comments are due Jan. 17, 2009. Contact: Katherine Ceroalo; DOH, Office of Regulatory Affairs; (518-473-7488)

OHIO

Treatment of Intractable Pain - Final rule of the State Medical Board amends regulations under OAC 4731-21-01 and -02 to update requirements concerning the use of prescription drugs for the treatment of intractable pain. The rule also requires certain applicants to demonstrate proficiency in spoken English. In addition, the rule adds and revises definitions. The rule is effective Nov. 30, 2008. Contact: Sallie Debolt; SMB; (614-644-7021)

SOUTH DAKOTA

Retail Telepharmacies/Remote Pharmacies - Proposed rule of the Department of Health, Board of Pharmacy, would adopt regulations under a new Chapter ARSD 20:51:30 to establish criteria to allow the use of board-registered technicians to operate a retail telepharmacy when connected to a licensed state central pharmacy using advanced technology, automation, and design. The proposal would set forth requirements concerning licensure for remote pharmacies, audiovisual links, signage, toll-free telephone numbers, staffing, pharmacist-to-technician ratios, prescriptions, quality assurance, and the use of automated mechanical dispensing devices. A hearing is scheduled for Dec. 12, 2008, in Sioux Falls. Comments are due Dec. 10, 2008. Contact: DOH, Board of Pharmacy; (605-362-2737)