

NASCSA NEWS

October 8, 2010

Countdown to our 26th Annual Conference

It is hard to believe that there are less than two weeks remaining until our 26th annual conference to take place October 19-22, 2010 at the Embassy Suites Historic Charleston in Charleston, South Carolina. Despite a tough economy, this year's attendance is at record levels and we are anticipating lively discussions and many networking opportunities.

Please remember to visit NASCSA's website www.nascsa.org to review proposed resolutions as well as proposed bylaw changes to be discussed during the business meetings. We look forward to seeing you later this month.

House Passes Prescription Drug Monitoring Bill

On September 23, the House of Representatives passed the National All Schedules Prescription Electronic Reporting Reauthorization Act of 2010 (H.R. 5710) that would reauthorize the National All Schedules Prescription Electronic Reporting Act of 2005 that established state-administered Prescription Drug Monitoring Program (PDMP). The bill would authorize \$15 million for 2011 and \$10 million for 2012 and 2013 and would also do the following:

- Allow grants to be used to maintain and operate existing state controlled substance monitoring programs;
- Require a state receiving a grant to facilitate prescriber use of the state's controlled substance monitoring system and educate prescribers on the benefits of the system both to them and society;
- Require the Secretary of HHS to redistribute any funds that are returned among the remaining grantees;
- Require a state that is not in compliance with the requirements for such program to submit a plan for bringing the state into compliance; and
- Require a state to provide the Secretary with aggregate data and other information to enable the Secretary to evaluate

Important Notices

Sept. 24, 2010 - Hotel Registration Deadline

Second Notices for Dues are in the mail. Please make every effort to ensure your dues are current.

In addition, if your contact information changes, please login using the original email address you originally had subscribed with and update any information (including your new email address and updated contact information)

State Regulatory Developments

State Regulatory Developments is a monthly compilation by NASCSA of state regulatory actions related to pharmacy and controlled substances. State Regulatory Developments is located on the website www.nascsa.org under "News."

the success of the state's program and to submit a progress report to Congress

DEA Publishes Policy Change on "Agent of the Prescriber"

Earlier this week, the US Drug Enforcement Administration (DEA) issued a statement of policy that offers direction on the role of authorized agents in communicating controlled substance prescriptions to pharmacies. The new policy by DEA will allow agents of the prescriber, such as nurses working in long-term care facilities, to communicate prescription information to the pharmacy for Schedule C-III through C-V medications. The new policy statement also includes information on the definition of an agent, the required elements of a prescription, and the rules pertaining to faxing prescriptions.

President Obama to Sign Drug Disposal Bill

At the end of September, both the House of Representatives and the Senate passed the Secure and Responsible Drug Disposal Act of 2010 (S. 3397). This bill seeks to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain cases. The bill would allow the ultimate user (the patient) of a controlled substance to deliver that substance to a non-DEA registered person for disposal if the person is: 1) authorized to engage in such activities; and 2) the disposal takes place in accordance with regulations to prevent drug diversion. The bill would also authorize long-term care facilities to dispose of a controlled substance on behalf of an ultimate user who resides in the facility. The bill would direct the U.S. Sentencing Commission to review and, if necessary, amend its guidelines and policy statements to ensure an appropriate penalty increase for persons convicted of a drug offense involving receipt of a controlled substance for disposal. Once signed into law, DEA will have the authority to promulgate regulations to facilitate these disposal programs.

President to Sign Combat Methamphetamine Legislation

At the end of September, both the House of Representatives and the Senate passed the Combat Methamphetamine Enhancement Act of 2009 (H.R. 2923), that would

- Amend the Controlled Substances Act to require all regulated retail sellers, including pharmacies, of certain

listed chemical products used to make methamphetamine to self-certify that they are compliant with certain requirements;

- Prohibit distributors of listed chemical products from selling such products to individuals not currently registered with the DEA;
- Require the Attorney General to develop a list of all self-certified individuals and make it publicly available on the DEA Web site; and
- Impose civil penalties for negligent failure to self-certify as required in the bill.

DEA's "Takeback Program" A Success

The US Drug Enforcement Administration (DEA) earlier this week announced the results of the first-ever national prescription drug "Take-Back" campaign where the public turned in more than 242,000 lbs of prescription drugs for safe and proper disposal at more than 4,000 take back sites nationwide on September 25. DEA will continue to hold one-day take-back programs until permanent regulations are in place. (See related article pertaining to a recent legislation on prescription drug disposal on the federal level).

We hope you have enjoyed our our most recent edition of the NASCSA Newsletter. This electronic newsletter is sent periodically to update and inform members and other interested parties of matters that may be of interest. If you have news items to share or other information that may be helpful to our members, please forward to me.

Sincerely,

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