

The National Association of State Controlled Substances Authorities
State Regulatory Developments
JANUARY 2010

FLORIDA

Drugs, Devices, and Cosmetics/Records and Recordkeeping - Notice of the Department of Health, Division of Family Health Services, announces an additional teleconference hearing on an Oct. 23, 2009, proposed rule that would amend regulations regarding records and recordkeeping requirements for drugs, devices, and cosmetics. The proposal would revise the audit trail and pedigree requirements for wholesale distributions of prescription drugs. The teleconference is scheduled for Jan. 7, 2010. Contact: Rebecca Poston; DOH, Drugs, Devices, and Cosmetics Program; (850-245-4292)

Pharmacies - Notice of the Department of Health, Board of Pharmacy, announces the withdrawal of a portion of an Oct. 2, 2009, proposed rule that would amend regulations under FAC 64B16-28.108 through .902 (nonconsecutive) regarding general requirements for permits for institutional, nuclear, and special pharmacies. The proposal would clarify requirements concerning the labeling and storage of medicinal drugs and drug preparations, the labeling of medicinal drugs for inpatients of nursing homes, and the dispensing of medications by institutional pharmacies and institutional pharmacy emergency departments. The proposal also would update references regarding minimum permit requirements for nuclear pharmacies. The withdrawal affects provisions under FAC 64B16-28.108 concerning permits for labels and labeling of medicinal drugs. Contact: Rebecca Poston; DOH, Board of Pharmacy; (850-245-4292)
--(01/15/2010)

ILLINOIS

Electronic Prescription Monitoring Program - Final rule of the Department of Human Services amends regulations regarding the electronic prescription monitoring program. The rule adds and revises definitions; adds Schedule III, IV, and V controlled substances to the prescription monitoring program; and establishes provisions regarding the state Prescription Information Library database. The rule also authorizes other states access to the Illinois prescription monitoring program and requires pharmacists to report prescriptions dispensed weekly rather than semi-monthly. The rule is effective Dec. 9, 2009. Contact: Tracie Drew; DHS, Bureau of Administrative Rules and Procedures; (217-785-9772).

IOWA

Controlled Substances - Emergency rule of the Board of Pharmacy amends regulations to add fospropofol to the Schedule IV list of controlled substances. The rule is effective Dec. 1, 2009. Contact: Terry Witkowski; Board of Pharmacy; (515-281-5279)

Wholesale Drug Licenses - Proposed rule of the Board of Pharmacy would amend regulations regarding wholesale drug licenses. The proposal would require drug wholesalers to complete an annual inventory of all controlled substances in stock and to maintain the record of inventory for a period of two years from the date of inventory. Comments are due Jan. 19, 2010. Contact: Terry Witkowski; Board of Pharmacy; (515-281-5279)

KANSAS

Pharmacy Practice - Proposed rule of the Board of Pharmacy would amend regulations under KAR 68-20-10a and 68-1-1b and adopt regulations under a new Section KAR 68-7-21 regarding pharmacy practice. The proposal would specify what constitutes a "long-term care facility" for prescription purposes by electronic transmission. The proposal also would address provisions for continuing educational units and set forth policies and procedures concerning the storage, control, and dispensation of drugs within an institutional drug room. A hearing is scheduled for March 11, 2010, in Lawrence. Comments are due March 11, 2010. Contact: Debra Billingsley; Board of Pharmacy; (785-296-4056)
--Kansas Register (01/07/2010)

LOUISIANA

Drugs of Concern/Butalbital and Tramadol - Proposed rule of the Department of Health and Hospitals, Board of Pharmacy, would amend regulations to add butalbital (containing at least 325 milligrams of acetaminophen) and tramadol as "drugs of concern" under the state's prescription monitoring program. A hearing is scheduled for Jan. 27, 2010, in Baton Rouge. Comments are due Jan. 27, 2010. Contact: Malcolm Broussard; DHH, Board of Pharmacy; (225-925-6496)

MONTANA

Pharmacists/Pharmacies - Final rule of the Department of Labor and Industry, Board of Pharmacy, amends regulations under ARM 24.174.301 through .2301 (nonconsecutive) and repeals regulations under ARM 24.174.1007 regarding pharmacists and pharmacies. The rule revises definitions and provisions concerning the administration of vaccines by pharmacists, prescription requirements, and the transmission of prescriptions by electronic means. The rule also addresses internship requirements, use of pharmacy technicians, automated recordkeeping systems for pharmacies, out-of-state mail service pharmacies, use of emergency drug kits in certain institutional pharmacies, licensure renewal requirements for pharmacy technicians, and unprofessional conduct. The rule is effective Jan. 15, 2010. Contact: DLI, Board of Pharmacy; (406-841-2371)
--Montana Administrative Register (01/14/2010)

RHODE ISLAND

Dispensing of Pharmaceuticals - Final rule of the Department of Health, Board of Pharmacy, amends regulations regarding pharmacists, pharmacies, manufacturers, wholesalers, and distributors (R5-19.1-PHAR). The rule allows authorized practitioners to dispense pharmaceuticals provided by the director only during a period covered by a federal or state emergency declaration. The rule also requires emergency dispensing to be performed in accordance with specific written protocols provided by the director. The rule is effective Feb. 4, 2010. Contact: David Gifford; DOH; (401-222-2231)
--Rhode Island Regulations (01/18/2010)

TENNESSEE

Tamper-Resistant Prescriptions/Dentists - Emergency rule of the Department of Health, Board of Dentistry, adopts regulations under a new Section to require that licensed dentists have all written, typed, or computer-generated prescriptions issued on tamper-resistant prescription paper. The rule is effective Dec. 21, 2009, and expires June 19, 2010. Contact: Alison Cleaves; DOH, Office of the General Counsel; (615-741-1611)

Tamper-Resistant Prescriptions/Physicians - Emergency rule of the Department of Health, Board of Medical Examiners, adopts regulations under a new Section to require that licensed physicians have all written, typed, or computer-generated prescriptions issued on tamper-resistant prescription paper. The rule is effective Dec. 21, 2009, and expires June 19, 2010. Contact: Alison Cleaves; DOH, Office of the General Counsel; (615-741-1611)

Note: comparable regulations were enacted pertaining to a number of other health care disciplines.