

ASSEMBLY BILL

No. 2342

Introduced by Assembly Member Torres

February 24, 2012

An act to amend Section 11165 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 2342, as introduced, Torres. Controlled substances.

Existing law classifies certain controlled substances into designated schedules, and prohibits, except as specified, a controlled substance classified in Schedule II, III, IV, or V from being dispensed without a prescription, as specified.

Existing law requires the Department of Justice, contingent upon the availability of adequate funds from various funds related to health care, to maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances by all practitioners authorized to prescribe or dispense these controlled substances.

This bill would make a technical, nonsubstantive change to the provision requiring the Department of Justice to maintain CURES for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances, as described above.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11165 of the Health and Safety Code is
2 amended to read:

3 11165. (a) ~~To~~*In order to* assist law enforcement and
4 regulatory agencies in their efforts to control the diversion and
5 resultant abuse of Schedule II, Schedule III, and Schedule IV
6 controlled substances, and for statistical analysis, education, and
7 research, the Department of Justice shall, contingent upon the
8 availability of adequate funds from the Contingent Fund of the
9 Medical Board of California, the Pharmacy Board Contingent
10 Fund, the State Dentistry Fund, the Board of Registered Nursing
11 Fund, and the Osteopathic Medical Board of California Contingent
12 Fund, maintain the Controlled Substance Utilization Review and
13 Evaluation System (CURES) for the electronic monitoring of, and
14 Internet access to information regarding, the prescribing and
15 dispensing of Schedule II, Schedule III, and Schedule IV controlled
16 substances by all practitioners authorized to prescribe or dispense
17 these controlled substances.

18 (b) The reporting of Schedule III and Schedule IV controlled
19 substance prescriptions to CURES shall be contingent upon the
20 availability of adequate funds from the Department of Justice. The
21 department may seek and use grant funds to pay the costs incurred
22 from the reporting of controlled substance prescriptions to CURES.
23 Funds shall not be appropriated from the Contingent Fund of the
24 Medical Board of California, the Pharmacy Board Contingent
25 Fund, the State Dentistry Fund, the Board of Registered Nursing
26 Fund, the Naturopathic Doctor’s Fund, or the Osteopathic Medical
27 Board of California Contingent Fund to pay the costs of reporting
28 Schedule III and Schedule IV controlled substance prescriptions
29 to CURES.

30 (c) CURES shall operate under existing provisions of law to
31 safeguard the privacy and confidentiality of patients. Data obtained
32 from CURES shall only be provided to appropriate state, local,
33 and federal persons or public agencies for disciplinary, civil, or
34 criminal purposes and to other agencies or entities, as determined
35 by the Department of Justice, for the purpose of educating
36 practitioners and others in lieu of disciplinary, civil, or criminal
37 actions. Data may be provided to public or private entities, as
38 approved by the Department of Justice, for educational, peer

1 review, statistical, or research purposes, provided that patient
2 information, including any information that may identify the
3 patient, is not compromised. Further, data disclosed to any
4 individual or agency as described in this subdivision shall not be
5 disclosed, sold, or transferred to any third party.

6 (d) For each prescription for a Schedule II, Schedule III, or
7 Schedule IV controlled substance, as defined in the controlled
8 substances schedules in federal law and regulations, specifically
9 Sections 1308.12, 1308.13, and 1308.14, respectively, of Title 21
10 of the Code of Federal Regulations, the dispensing pharmacy or
11 clinic shall provide the following information to the Department
12 of Justice on a weekly basis and in a format specified by the
13 Department of Justice:

14 (1) Full name, address, and the telephone number of the ultimate
15 user or research subject, or contact information as determined by
16 the Secretary of the United States Department of Health and Human
17 Services, and the gender, and date of birth of the ultimate user.

18 (2) The prescriber's category of licensure and license number;
19 federal controlled substance registration number; and the state
20 medical license number of any prescriber using the federal
21 controlled substance registration number of a government-exempt
22 facility.

23 (3) Pharmacy prescription number, license number, and federal
24 controlled substance registration number.

25 (4) NDC (National Drug Code) number of the controlled
26 substance dispensed.

27 (5) Quantity of the controlled substance dispensed.

28 (6) ICD-9 (diagnosis code), if available.

29 (7) Number of refills ordered.

30 (8) Whether the drug was dispensed as a refill of a prescription
31 or as a first-time request.

32 (9) Date of origin of the prescription.

33 (10) Date of dispensing of the prescription.

34 (e) This section shall become operative on January 1, 2005.