

ASSEMBLY BILL

No. 611

Introduced by Assembly Member Dahle

February 24, 2015

An act to amend Section 11165.1 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 611, as introduced, Dahle. Controlled substances: prescriptions: reporting.

Existing law requires certain health care practitioners and pharmacists to apply to the Department of Justice to obtain approval to access information contained in the Controlled Substance Utilization Review and Evaluation System (CURES) Prescription Drug Monitoring Program (PDMP) regarding the controlled substance history of a patient under his or her care. Existing law requires the Department of Justice, upon approval of an application, to provide the approved health care practitioner or pharmacist the history of controlled substances dispensed to an individual under his or her care.

This bill would also authorize an individual designated to investigate a holder of a professional license to apply to the Department of Justice to obtain approval to access information contained in the CURES PDMP regarding the controlled substance history of an applicant or a licensee for the purpose of investigating the alleged substance abuse of a licensee. The bill would, upon approval of an application, require the department to provide to the approved individual the history of controlled substances dispensed to the licensee.

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

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

SECTION 1. Section 11165.1 of the Health and Safety Code is amended to read:

11165.1. (a) (1) (A) (i) A health care practitioner authorized to prescribe, order, administer, furnish, or dispense Schedule II, Schedule III, or Schedule IV controlled substances pursuant to Section 11150 shall, before January 1, 2016, or upon receipt of a federal Drug Enforcement Administration (DEA) registration, whichever occurs later, submit an application developed by the Department of Justice to obtain approval to access information online regarding the controlled substance history of a patient that is stored on the Internet and maintained within the Department of Justice, and, upon approval, the department shall release to that practitioner the electronic history of controlled substances dispensed to an individual under his or her care based on data contained in the CURES Prescription Drug Monitoring Program (PDMP).

(ii) A pharmacist shall, before January 1, 2016, or upon licensure, whichever occurs later, submit an application developed by the Department of Justice to obtain approval to access information online regarding the controlled substance history of a patient that is stored on the Internet and maintained within the Department of Justice, and, upon approval, the department shall release to that pharmacist the electronic history of controlled substances dispensed to an individual under his or her care based on data contained in the CURES PDMP.

(iii) *An individual designated by a board, bureau, or program within the Department of Consumer Affairs to investigate a holder of a professional license may, for the purpose of investigating the alleged substance abuse of a licensee, submit an application developed by the Department of Justice to obtain approval to access information online regarding the controlled substance history of a licensee that is stored on the Internet and maintained within the Department of Justice, and, upon approval, the department shall release to that individual the electronic history of controlled substances dispensed to the licensee based on data contained in the CURES PDMP. The application shall contain facts demonstrating the probable cause to believe the licensee has violated a law governing controlled substances.*

1 (B) An application may be denied, or a subscriber may be
2 suspended, for reasons which include, but are not limited to, the
3 following:

- 4 (i) Materially falsifying an application for a subscriber.
5 (ii) Failure to maintain effective controls for access to the patient
6 activity report.
7 (iii) Suspended or revoked federal DEA registration.
8 (iv) Any subscriber who is arrested for a violation of law
9 governing controlled substances or any other law for which the
10 possession or use of a controlled substance is an element of the
11 crime.

12 (v) Any subscriber accessing information for any other reason
13 than caring for his or her patients.

14 (C) Any authorized subscriber shall notify the Department of
15 Justice within 30 days of any changes to the subscriber account.

16 (2) A health care practitioner authorized to prescribe, order,
17 administer, furnish, or dispense Schedule II, Schedule III, or
18 Schedule IV controlled substances pursuant to Section 11150 or
19 a pharmacist shall be deemed to have complied with paragraph
20 (1) if the licensed health care practitioner or pharmacist has been
21 approved to access the CURES database through the process
22 developed pursuant to subdivision (a) of Section 209 of the
23 Business and Professions Code.

24 (b) Any request for, or release of, a controlled substance history
25 pursuant to this section shall be made in accordance with guidelines
26 developed by the Department of Justice.

27 (c) In order to prevent the inappropriate, improper, or illegal
28 use of Schedule II, Schedule III, or Schedule IV controlled
29 substances, the Department of Justice may initiate the referral of
30 the history of controlled substances dispensed to an individual
31 based on data contained in CURES to licensed health care
32 practitioners, pharmacists, or both, providing care or services to
33 the individual.

34 (d) The history of controlled substances dispensed to an
35 individual based on data contained in CURES that is received by
36 ~~a practitioner or pharmacist~~ *an authorized subscriber* from the
37 Department of Justice pursuant to this section shall be considered
38 medical information subject to the provisions of the Confidentiality
39 of Medical Information Act contained in Part 2.6 (commencing
40 with Section 56) of Division 1 of the Civil Code.

1 (e) Information concerning a patient's controlled substance
2 history provided to ~~a prescriber or pharmacist~~ *an authorized*
3 *subscriber* pursuant to this section shall include prescriptions for
4 controlled substances listed in Sections 1308.12, 1308.13, and
5 1308.14 of Title 21 of the Code of Federal Regulations.

O