

# NASCOSA NEWS

September 13,  
2010

## One Month Left to Register for Annual Conference

As the summer comes to a close, it is time to start thinking about registering for this year's annual conference to take place October 19-22, 2010 at the Embassy Suites Historic Charleston in Charleston, South Carolina. NASCOSA's room block is only being held until September 24, 2010, however we have been notified that the hotel is almost full so to avoid disappointment, please make your reservations as soon as possible. The hotel includes a full cooked to order breakfast each day as well as a complimentary managers reception each night.

Please make sure to mail or fax in your conference registration to ensure that all attendees are listed in the conference notebook. This year's conference promises to be informative and provide the latest information to all attendees from various state agencies, federal agencies as well as industry representatives on a variety of issues and provide a unique opportunity for networking and an exchange of information. In addition to the high-quality program, NASCOSA's Executive Committee will be updating you on the work of various committees throughout the year and will also be updating you on an exciting new member benefit that will be announced at the conference.

## Overflow Hotel Information

As mentioned above, the Embassy Suites Historic Charleston is almost full. Should you need to find alternative hotels, below please find the following area hotels that are close within blocks of the conference location should you need to make alternate arrangements: Francis Marion Hotel (843-722-0600); Hampton Inn Charleston - Historic District (843-723-4000); Holiday Inn Hotel Charleston (843-805-7900); Renaissance Hotel (843-534-0300).

## Key Resolutions to Be Discussed at This Year's Conference

A number of proposed resolutions have already been drafted for consideration at this year's conference. The draft resolutions received so far address criminalizing "doctor shopping"; tamper-resistant

### 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.

### Update Contact Info

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 informatoin)

### State Regulatory Developments

State Regulatory Developments is a monthly compilation by NASCOSA of state regulatory actions related to pharmacy and controlled substances. State Regulatory Developments is located on the website [www.nascosa.org](http://www.nascosa.org) under "News."

prescriptions; requiring positive identification for patients picking up prescriptions; supporting continuing education requirements in the area of proper dispensing/prescribing of controlled substances; endorsement of the Prescription Monitoring Program Model Act of 2010 and the collection and disposal of medications. All members (both state and associate members) are still able to submit proposed resolutions for consideration following the bylaws. Draft resolutions are posted at: <http://www.nascsa.org/resolutions.htm>.

## State Profile Project Update

Following last fall's annual conference, NASCSA had embarked on an initiative to create a state profile for each state, district and territory. Through the work of Tracey Hernandez, who was retained as a consultant on the project, nearly half the state profiles have been completed and are posted on our website at [www.nascsa.org](http://www.nascsa.org). Monica Simmons was recently hired to continue working on the project to ensure 100% of the profiles are received, and has recently begun reaching out to states. Please take a few minutes to provide the information that should take no more than 5 minutes to complete. An update of the project will be discussed at the conference.

## Proposed Bylaw Changes to be Discussed at NASCSA's Business Meeting

The NASCSA Executive Committee is recommending amendments to the NASCSA Bylaws in order to ensure that the basic business of the organization can be conducted in the event of an emergency that prevents the establishment of a quorum at an annual meeting. The amendments would:

1. Allow Officers and Executive Committee members at-large to continue beyond their terms until the next election.
2. Allow the Executive Committee to conduct limited voting electronically or by other means.

Electronic or other voting would only be allowed for Officers and Executive Committee members or for changes to the bylaws and only upon the approval of the Executive Committee. It would not be allowed for resolutions or other motions. In the event electronic or other voting is conducted, there would be a higher standard applied than for voting at a meeting at which a quorum has been established. That is, a majority (elections) or supermajority (bylaws) of the entire regular membership would be required to approve by electronic or other voting as opposed to a majority or supermajority of those regular members present and voting at a meeting (after establishment of a quorum).

Thus, the proposed bylaws amendments would enable the organization to conduct core business in the event of a failure to establish a quorum at an annual meeting while at the same time continue to ensure that all regular members have an opportunity to participate in the business of the organization.

To view the proposed bylaws to be discussed at the annual conference goto: <http://www.nascsa.org/PDF/ProposedBylawChanges8.10.10.pdf>

## DEA Posts Updated Pharmacists Manual

The US Drug Enforcement Administration recently posted its 2010 Pharmacist's Manual, a guide to assist pharmacists in understanding the Controlled Substances Act and its implementing regulations as they pertain to the pharmacy profession. Although this version does not contain specific information regarding Electronic Prescriptions for Controlled Substances (EPCS), a newer version will be posted when the EPCS information is added. For additional information, [read the 2010 Pharmacist's Manual](#).

## Senate Passes Drug Disposal Bill

On August 3, 2010 the Senate passed the Secure and Responsible Drug Disposal Act of 2010 (S. 3397) introduced by Sen. Klobuchar (D-MN), a bill that would amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances. Specifically, 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 authorized to engage in such activities and 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. Lastly, 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. [Read more about S. 3397](#). On June 30, the Senate Committee on Aging held a hearing entitled, *Drug Waste and Disposal: When Prescription Become Poison*. The hearing focused on explaining the problems and potential solutions of drug disposal programs, and what regulatory factors should be taken into consideration when dealing with these programs. The Committee discussed the various medication "take back" programs that have been implemented to help mitigate the effects of wrongful drug disposal of unused medications. A webcast of the June hearing and written testimony are on the committee's website (<http://aging.senate.gov/>).

## House Committee Passes Combat Methamphetamine Enhancement Act

On July 28, the House Energy and Commerce Committee passed the *Combat Methamphetamine Enhancement Act of 2009* (H.R. 2923). Introduced by Rep. Gordon (D-TN), H.R. 2923 would:

- Amend the Controlled Substances Act to require all regulated retail sellers of certain listed chemical products used to make methamphetamine, including pharmacies, 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.

The next step for H.R. 2923 is for the House Judiciary Committee to consider the bill. [Read more on H.R. 2923](#)

## FDA Seeks to Curtail Abuse of Cough Medicines

Federal health regulators earlier this month indicated they are weighing restrictions on Robitussin, NyQuil and other cough suppressants to curb cases of abuse that send thousands of people to the hospital each year. The Food and Drug Administration posted its review of dextromethorphan, an ingredient found in more than 100 over-the-counter medications that is sometimes abused for its euphoric effects. The practice, dubbed "robotripping," involves taking more than 25 times the recommended dose of a cold medicine and is mainly associated with teenagers. "Because of the drug's perceived safety, ease of availability, and desired psychoactive effects, it is sought after by those seeking to alter their mental state," states the FDA review.

An FDA analysis concluded that dextromethorphan is abused less often than the popular painkiller codeine but more often than pseudophedrine, a cold medicine ingredient that can be processed into methamphetamine. The FDA has agreed to reconsider how it regulates the drug at the behest of the Drug Enforcement Agency, which has raised concerns about increasing abuse among adolescents. On Sept. 14, the FDA will ask a panel of outside experts whether dextromethorphan should be available only as a prescription. The agency is not required to follow the group's advice, though it often does.

## From the States...

**Maine** -Final rule of the Board of Dental Examiners, Board of Licensure in Medicine, Board of Osteopathic Licensure, Board of Licensure of Podiatric Medicine, and State Board of Nursing adopted regulations under a new joint MAC Chapter 21 to set forth provisions regarding the use of controlled substances for the treatment of pain. The rule also repeals regulations under MAC Chapter 11 on the same topic for the Board of Licensure in Medicine and Board of Osteopathic Licensure. The rule was effective June 13, 2010. Contact: Susan Strout; Board of Osteopathic Licensure at (207-287-2480).

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**Texas** - Final rule of the State Board of Pharmacy amends regulations under 22 TAC 291.32 and .33 regarding pharmacy personnel and operational standards. The rule provides requirements for pharmacists providing cognitive services and electronic verification of prescriptions from remote sites. The rule also requires pharmacists to place the statement "do not flush unused medications or pour down a sink or drain" on prescription labels. In addition, the rule clarifies requirements for pharmacists performing drug reviews from remote locations. The rule was effective May 30, 2010. Contact: Allison Benz at (512-305-8028).

**Texas** - Final rule of the State Board of Pharmacy amends regulations under 22 TAC 291.72 through .75 to define "rural hospital." The rule also provides procedures for a nurse to enter a pharmacy when it is closed in order to remove drugs for administration to a patient. In addition, the rule allows pharmacy technicians in rural areas to perform certain duties without the direct supervision of a pharmacist and eliminates references to risoprodol. The rule is effective May 30, 2010. Contact: Allison Benz; SBP; (512-305-8028)

**Washington** -The process of implementing a new electronic system to track the sales of pseudoephedrine (PSE), ephedrine, and phenylpropanolamine began in Washington State last month. New legislation (PDF) requiring the electronic PSE tracking system was adopted in March 2010. Once implemented, the new system will replace the paper logs that are currently used to track PSE sales. The

Washington State Board of Pharmacy and other stakeholders will begin the rulemaking process with workshop on August 26, 2010.

**Massachusetts** - Signed by Massachusetts Governor Deval Patrick on August 9, 2010, a new law will expand and add safeguards to the state's prescription monitoring program (PMP). The current PMP, established in Massachusetts in 1992, collects prescribing and dispensing information on Massachusetts Schedule II prescription controlled substances. The new law authorizes the state PMP to collect data on the prescribing and dispensing of all Schedule II to V controlled substances, as well as certain additional drugs. Whereas the current PMP establishes medical review groups to analyze PMP data and review it for release to law enforcement and regulatory agencies, the new law allows pharmacists and prescribers to obtain data from the PMP for the purpose of providing medical or pharmaceutical care. The new law also requires the Massachusetts Department of Public Health, the agency maintaining the PMP, to "enter into reciprocal agreements with other states that have compatible prescription drug monitoring programs to share prescription drug monitoring information among the states."

**Indiana** - As part of an omnibus professional licensing act (Senate Enrolled Act 356), Indiana now mandates that "a pharmacist, pharmacy technician, or person authorized by a pharmacist ... may not dispense a controlled substance to a person who is not personally known to [the dispenser] ... unless the person taking possession of the controlled substance provides documented proof of the person's identification ..." [IC 35-48-7-8.1(b), effective July 1, 2010] The Act also added "A controlled substance recipient's method of payment for the controlled substance obtained," to the list of elements upon which the INSPECT prescription monitoring program's database may be searched. [IC 35-48-7-10.1(a)(1)(K), effective July 1, 2010]

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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