

114TH CONGRESS
1ST SESSION

H. R. 1725

To amend and reauthorize the controlled substance monitoring program under section 3990 of the Public Health Service Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2015

Mr. WHITFIELD (for himself, Mr. KENNEDY, Mr. BUCSHON, and Mr. PAL-
LONE) introduced the following bill; which was referred to the Committee
on Energy and Commerce

A BILL

To amend and reauthorize the controlled substance monitoring program under section 3990 of the Public Health Service Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National All Schedules
5 Prescription Electronic Reporting Reauthorization Act of
6 2015”.

1 **SEC. 2. AMENDMENT TO PURPOSE.**

2 Paragraph (1) of section 2 of the National All Sched-
3 ules Prescription Electronic Reporting Act of 2005 (Public
4 Law 109–60) is amended to read as follows:

5 “(1) foster the establishment of State-adminis-
6 tered controlled substance monitoring systems in
7 order to ensure that—

8 “(A) health care providers have access to
9 the accurate, timely prescription history infor-
10 mation that they may use as a tool for the early
11 identification of patients at risk for addiction in
12 order to initiate appropriate medical interven-
13 tions and avert the tragic personal, family, and
14 community consequences of untreated addiction;
15 and

16 “(B) appropriate law enforcement, regu-
17 latory, and State professional licensing authori-
18 ties have access to prescription history informa-
19 tion for the purposes of investigating drug di-
20 version and prescribing and dispensing prac-
21 tices of errant prescribers or pharmacists; and”.

22 **SEC. 3. AMENDMENTS TO CONTROLLED SUBSTANCE MONI-**
23 **TORING PROGRAM.**

24 Section 399O of the Public Health Service Act (42
25 U.S.C. 280g–3) is amended—

26 (1) in subsection (a)—

1 (A) in paragraph (1)—

2 (i) in subparagraph (A), by striking

3 “or”;

4 (ii) in subparagraph (B), by striking

5 the period at the end and inserting “; or”;

6 and

7 (iii) by adding at the end the fol-

8 lowing:

9 “(C) to maintain and operate an existing

10 State-controlled substance monitoring pro-

11 gram.”; and

12 (B) in paragraph (3), by inserting “by the

13 Secretary” after “Grants awarded”;

14 (2) by amending subsection (b) to read as fol-

15 lows:

16 “(b) MINIMUM REQUIREMENTS.—The Secretary

17 shall maintain and, as appropriate, supplement or revise

18 (after publishing proposed additions and revisions in the

19 Federal Register and receiving public comments thereon)

20 minimum requirements for criteria to be used by States

21 for purposes of clauses (ii), (v), (vi), and (vii) of subsection

22 (c)(1)(A).”;

23 (3) in subsection (c)—

24 (A) in paragraph (1)(B)—

1 (i) in the matter preceding clause (i),
2 by striking “(a)(1)(B)” and inserting
3 “(a)(1)(B) or (a)(1)(C)”;

4 (ii) in clause (i), by striking “program
5 to be improved” and inserting “program to
6 be improved or maintained”;

7 (iii) by redesignating clauses (iii) and
8 (iv) as clauses (iv) and (v), respectively;

9 (iv) by inserting after clause (ii) the
10 following:

11 “(iii) a plan to apply the latest ad-
12 vances in health information technology in
13 order to incorporate prescription drug
14 monitoring program data directly into the
15 workflow of prescribers and dispensers to
16 ensure timely access to patients’ controlled
17 prescription drug history;”;

18 (v) in clause (iv), as redesignated, by
19 inserting before the semicolon at the end
20 “and at least one health information tech-
21 nology system such as an electronic health
22 records system, a health information ex-
23 change, or an e-prescribing system”; and

1 (vi) in clause (v), as redesignated, by
2 striking “public health” and inserting
3 “public health or public safety”;

4 (B) in paragraph (3)—

5 (i) by striking “If a State that sub-
6 mits” and inserting the following:

7 “(A) IN GENERAL.—If a State that sub-
8 mits”;

9 (ii) by striking the period at the end
10 and inserting “and include timelines for
11 full implementation of such interoper-
12 ability. The State shall also describe the
13 manner in which it will achieve interoper-
14 ability between its monitoring program and
15 health information technology systems, as
16 allowable under State law, and include
17 timelines for implementation of such inter-
18 operability.”; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(B) MONITORING OF EFFORTS.—The
22 Secretary shall monitor State efforts to achieve
23 interoperability, as described in subparagraph
24 (A).”;

25 (C) in paragraph (5)—

1 (i) by striking “implement or im-
2 prove” and inserting “establish, improve,
3 or maintain”; and

4 (ii) by adding at the end the fol-
5 lowing: “The Secretary shall redistribute
6 any funds that are so returned among the
7 remaining grantees under this section in
8 accordance with the formula described in
9 subsection (a)(2)(B).”;

10 (4) in subsection (d)—

11 (A) in the matter preceding paragraph
12 (1)—

13 (i) by striking “In implementing or
14 improving” and all that follows through
15 “(a)(1)(B)” and inserting “In establishing,
16 improving, or maintaining a controlled sub-
17 stance monitoring program under this sec-
18 tion, a State shall comply, or with respect
19 to a State that applies for a grant under
20 subparagraph (B) or (C) of subsection
21 (a)(1)”;

22 (ii) by striking “public health” and in-
23 serting “public health or public safety”;
24 and

25 (B) by adding at the end the following:

1 “(5) The State shall report to the Secretary
2 on—

3 “(A) as appropriate, interoperability with
4 the controlled substance monitoring programs
5 of Federal departments and agencies;

6 “(B) as appropriate, interoperability with
7 health information technology systems such as
8 electronic health records systems, health infor-
9 mation exchanges, and e-prescribing systems;
10 and

11 “(C) whether or not the State provides
12 automatic, real-time or daily information about
13 a patient when a practitioner (or the designee
14 of a practitioner, where permitted) requests in-
15 formation about such patient.”;

16 (5) in subsections (e), (f)(1), and (g), by strik-
17 ing “implementing or improving” each place it ap-
18 pears and inserting “establishing, improving, or
19 maintaining”;

20 (6) in subsection (f)—

21 (A) in paragraph (1)—

22 (i) in subparagraph (B), by striking
23 “misuse of a schedule II, III, or IV sub-
24 stance” and inserting “misuse of a con-
25 trolled substance included in schedule II,

1 III, or IV of section 202(c) of the Con-
2 trolled Substance Act”; and

3 (ii) in subparagraph (D), by inserting
4 “a State substance abuse agency,” after “a
5 State health department,”; and

6 (B) by adding at the end the following:

7 “(3) EVALUATION AND REPORTING.—Subject
8 to subsection (g), a State receiving a grant under
9 subsection (a) shall provide the Secretary with ag-
10 gregate data and other information determined by
11 the Secretary to be necessary to enable the Sec-
12 retary—

13 “(A) to evaluate the success of the State’s
14 program in achieving its purposes; or

15 “(B) to prepare and submit the report to
16 Congress required by subsection (1)(2).

17 “(4) RESEARCH BY OTHER ENTITIES.—A de-
18 partment, program, or administration receiving non-
19 identifiable information under paragraph (1)(D)
20 may make such information available to other enti-
21 ties for research purposes.”;

22 (7) by redesignating subsections (h) through
23 (n) as subsections (j) through (p), respectively;

1 (8) in subsections (c)(1)(A)(iv) and (d)(4), by
2 striking “subsection (h)” each place it appears and
3 inserting “subsection (j)”;

4 (9) by inserting after subsection (g) the fol-
5 lowing:

6 “(h) EDUCATION AND ACCESS TO THE MONITORING
7 SYSTEM.—A State receiving a grant under subsection (a)
8 shall take steps to—

9 “(1) facilitate prescriber and dispenser use of
10 the State’s controlled substance monitoring system;

11 “(2) educate prescribers and dispensers on the
12 benefits of the system both to them and society; and

13 “(3) facilitate linkage to the State substance
14 abuse agency and substance abuse disorder services.

15 “(i) CONSULTATION WITH ATTORNEY GENERAL.—
16 In carrying out this section, the Secretary shall consult
17 with the Attorney General of the United States and other
18 relevant Federal officials to—

19 “(1) ensure maximum coordination of controlled
20 substance monitoring programs and related activi-
21 ties; and

22 “(2) minimize duplicative efforts and funding.”;

23 (10) in subsection (l)(2)(A), as redesignated by
24 paragraph (7)—

1 (A) in clause (ii), by inserting “; estab-
2 lished or strengthened initiatives to ensure link-
3 ages to substance use disorder services;” before
4 “or affected patient access”; and

5 (B) in clause (iii), by inserting “and be-
6 tween controlled substance monitoring pro-
7 grams and health information technology sys-
8 tems,” before “, including an assessment”;

9 (11) by striking subsection (m) (relating to
10 preference), as redesignated by paragraph (7);

11 (12) by redesignating subsections (m) through
12 (o), as redesignated by paragraph (7), as subsections
13 (l) through (o), respectively;

14 (13) in subsection (m)(1), as redesignated by
15 paragraph (12), by striking “establishment, imple-
16 mentation, or improvement” and inserting “estab-
17 lishment, improvement, or maintenance”;

18 (14) in subsection (n)—

19 (A) in paragraph (5)—

20 (i) by striking “means the ability”
21 and inserting the following: “means—
22 “(A) the ability”;

23 (ii) by striking the period at the end
24 and inserting “; or”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(B) sharing of State controlled substance
4 monitoring program information with a health
5 information technology system such as an elec-
6 tronic health records system, a health informa-
7 tion exchange, or an e-prescribing system.”;

8 (B) in paragraph (7), by striking “phar-
9 macy” and inserting “pharmacist”; and

10 (C) in paragraph (8), by striking “and the
11 District of Columbia” and inserting “, the Dis-
12 trict of Columbia, and any commonwealth or
13 territory of the United States”; and

14 (15) by amending subsection (o), as redesign-
15 nated by paragraph (12), to read as follows:

16 “(o) AUTHORIZATION OF APPROPRIATIONS.—To
17 carry out this section, there is authorized to be appro-
18 priated \$10,000,000 for each of fiscal years from 2016
19 through 2020.”.

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