HOUSE DOCKET, NO. 181 FILED ON: 1/11/2011

HOUSE . . . . . No. 617

The Commonwealth of Massachusetts

PRESENTED BY:

John W. Scibak

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the safe dispensing of pain management medication.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John W. Scibak	*2nd Hampshire*
Frank I. Smizik	*15th Norfolk*
Cory Atkins	*14th Middlesex*
Christine E. Canavan	*10th Plymouth*
Mark C. Montigny	
	☐ *[District]*
	☐

HOUSE DOCKET, NO. 181 FILED ON: 1/11/2011

HOUSE . . . . . No. 617

By Mr. Scibak of South Hadley, a petition (accompanied by bill, House, No. 617) of John W. Scibak and others relative to the despensing of controlled substances. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *2152* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to the safe dispensing of pain management medication.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 94C of the General Laws is amended by striking Section 23 and replacing it with the following section:-

Section 23. (a) A written prescription for a controlled substance in Schedule II shall become invalid 90 days after the date of issuance.

(b) A written prescription for a controlled substance in Schedule II shall not be refilled and shall be kept in a separate file.

(c) The pharmacist filling a written prescription for a controlled substance in Schedule II shall endorse his own signature on the face thereof.

(d) In regard to a controlled substance in Schedule II or III, no prescription shall be filled for more than a ninety-day supply of such substance upon any single filling; provided, however, that with regard to dextro amphetamine sulphate and methyl phenidate hydrochloride, a prescription may be filled for up to a sixty-day supply of such substance upon any single filling if said substance is being used for the treatment of minimal brain dysfunction or narcolepsy; provided further, that subject to regulations of the department and the board of pharmacy, prescriptions for implantable infusion pumps consisting of Schedule II or Schedule III controlled substances may be filled for a maximum of 90 days.

17 (e) All prescriptions for controlled substances shall be kept for two years by the
18 pharmacy and shall be subject to inspection pursuant to the provisions of this chapter.

19 (f) No prescription for a controlled substance shall be refilled unless the original
20 prescription provides for such refilling and unless the number of refills has been specified in said
21 prescription.

22 (g) Unless otherwise prohibited by law, a prescription shall be: (1) written in ink,
23 indelible pencil or by other means; or (2) transmitted electronically; and (3) signed by the
24 prescriber. A prescription may be transmitted electronically with the electronic signature and
25 electronic instructions of the prescriber, and shall be transmitted directly from the prescriber to
26 the pharmacy designated by the patient without alteration of the prescription information, except
27 that third-party intermediaries may act as conduits to route the prescription from the prescriber to
28 the pharmacy.

29 (h) Clinic pharmacies operated by a health maintenance organization licensed under
30 chapter one hundred and seventy-six G and licensed pursuant to section fifty-one of chapter one
31 hundred and eleven may refill prescriptions which have been previously dispensed by another
32 health maintenance organization clinic pharmacy, provided that prior to dispensing a refill, the
33 pharmacy refilling the prescription verifies the appropriateness of the refill through a centralized
34 database.