



Sen. Melinda Bush

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1 AMENDMENT TO SENATE BILL 1607

2 AMENDMENT NO. _____. Amend Senate Bill 1607, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Controlled Substances Act is
6 amended by changing Sections 314.5 and 316 as follows:

7 (720 ILCS 570/314.5)

8 Sec. 314.5. Medication shopping; pharmacy shopping.

9 (a) It shall be unlawful for any person knowingly or
10 intentionally to fraudulently obtain or fraudulently seek to
11 obtain any controlled substance or prescription for a
12 controlled substance from a prescriber or dispenser while being
13 supplied with any controlled substance or prescription for a
14 controlled substance by another prescriber or dispenser,
15 without disclosing the fact of the existing controlled
16 substance or prescription for a controlled substance to the

1 prescriber or dispenser from whom the subsequent controlled
2 substance or prescription for a controlled substance is sought.

3 (a-5) Before issuing a prescription for a Schedule II, III,
4 IV, or V controlled substance, a prescriber or his or her
5 designee shall access the prescription monitoring program to
6 determine compliance with this Section. A prescriber who
7 prescribes a Schedule II, III, IV, or V controlled substance in
8 the course of oncology treatment, a condition associated with
9 oncology, or hospice care is exempt from having to check the
10 Prescription Monitoring Program prior to prescribing the
11 controlled substance.

12 (b) It shall be unlawful for a person knowingly or
13 intentionally to fraudulently obtain or fraudulently seek to
14 obtain any controlled substance from a pharmacy while being
15 supplied with any controlled substance by another pharmacy,
16 without disclosing the fact of the existing controlled
17 substance to the pharmacy from which the subsequent controlled
18 substance is sought.

19 (c) A person may be in violation of Section 3.23 of the
20 Illinois Food, Drug and Cosmetic Act or Section 406 of this Act
21 when medication shopping or pharmacy shopping, or both.

22 (d) When a person has been identified as having 3 or more
23 prescribers or 3 or more pharmacies, or both, that do not
24 utilize a common electronic file as specified in Section 20 of
25 the Pharmacy Practice Act for controlled substances within the
26 course of a continuous 30-day period, the Prescription

1 Monitoring Program may issue an unsolicited report to the
2 prescribers, dispensers, and their designees informing them of
3 the potential medication shopping. If an unsolicited report is
4 issued to a prescriber or prescribers, then the report must
5 also be sent to the applicable dispensing pharmacy.

6 (e) Nothing in this Section shall be construed to create a
7 requirement that any prescriber, dispenser, or pharmacist
8 request any patient medication disclosure, report any patient
9 activity, or prescribe or refuse to prescribe or dispense any
10 medications.

11 (f) This Section shall not be construed to apply to
12 inpatients or residents at hospitals or other institutions or
13 to institutional pharmacies.

14 (g) Any patient feedback, including grades, ratings, or
15 written or verbal statements, in opposition to a clinical
16 decision that the prescription of a controlled substance is not
17 medically necessary shall not be the basis of any adverse
18 action, evaluation, or any other type of negative
19 credentialing, contracting, licensure, or employment action
20 taken against a prescriber or dispenser.

21 (Source: P.A. 99-480, eff. 9-9-15.)

22 (720 ILCS 570/316)

23 Sec. 316. Prescription monitoring program.

24 (a) The Department must provide for a prescription
25 monitoring program for Schedule II, III, IV, and V controlled

1 substances that includes the following components and
2 requirements:

3 (1) The dispenser must transmit to the central
4 repository, in a form and manner specified by the
5 Department, the following information:

6 (A) The recipient's name and address.

7 (B) The recipient's date of birth and gender.

8 (C) The national drug code number of the controlled
9 substance dispensed.

10 (D) The date the controlled substance is
11 dispensed.

12 (E) The quantity of the controlled substance
13 dispensed and days supply.

14 (F) The dispenser's United States Drug Enforcement
15 Administration registration number.

16 (G) The prescriber's United States Drug
17 Enforcement Administration registration number.

18 (H) The dates the controlled substance
19 prescription is filled.

20 (I) The payment type used to purchase the
21 controlled substance (i.e. Medicaid, cash, third party
22 insurance).

23 (J) The patient location code (i.e. home, nursing
24 home, outpatient, etc.) for the controlled substances
25 other than those filled at a retail pharmacy.

26 (K) Any additional information that may be

1 required by the department by administrative rule,
2 including but not limited to information required for
3 compliance with the criteria for electronic reporting
4 of the American Society for Automation and Pharmacy or
5 its successor.

6 (2) The information required to be transmitted under
7 this Section must be transmitted not later than the end of
8 the next business day after the date on which a controlled
9 substance is dispensed, or at such other time as may be
10 required by the Department by administrative rule.

11 (3) A dispenser must transmit the information required
12 under this Section by:

13 (A) an electronic device compatible with the
14 receiving device of the central repository;

15 (B) a computer diskette;

16 (C) a magnetic tape; or

17 (D) a pharmacy universal claim form or Pharmacy
18 Inventory Control form;

19 (4) The Department may impose a civil fine of up to
20 \$100 per day for willful failure to report controlled
21 substance dispensing to the Prescription Monitoring
22 Program. The fine shall be calculated on no more than the
23 number of days from the time the report was required to be
24 made until the time the problem was resolved, and shall be
25 payable to the Prescription Monitoring Program.

26 (b) The Department, by rule, may include in the monitoring

1 program certain other select drugs that are not included in
2 Schedule II, III, IV, or V. The prescription monitoring program
3 does not apply to controlled substance prescriptions as
4 exempted under Section 313.

5 (c) The collection of data on select drugs and scheduled
6 substances by the Prescription Monitoring Program may be used
7 as a tool for addressing oversight requirements of long-term
8 care institutions as set forth by Public Act 96-1372. Long-term
9 care pharmacies shall transmit patient medication profiles to
10 the Prescription Monitoring Program monthly or more frequently
11 as established by administrative rule.

12 (d) The Department of Human Services shall appoint a
13 full-time Clinical Director of the Prescription Monitoring
14 Program.

15 (e) (Blank). ~~Within one year of the effective date of this~~
16 ~~amendatory Act of the 99th General Assembly, the Department~~
17 ~~shall adopt rules establishing pilot initiatives involving a~~
18 ~~cross section of hospitals in this State to increase electronic~~
19 ~~integration of a hospital's electronic health record with the~~
20 ~~Prescription Monitoring Program on or before January 1, 2019 to~~
21 ~~ensure all providers have timely access to relevant~~
22 ~~prescription information during the treatment of their~~
23 ~~patients. These rules shall also establish pilots that enhance~~
24 ~~the electronic integration of outpatient pharmacy records with~~
25 ~~the Prescription Monitoring Program to allow for faster~~
26 ~~transmission of the information required under this Section. In~~

1 ~~collaboration with the Department of Human Services, the~~
2 ~~Prescription Monitoring Program Advisory Committee shall~~
3 ~~identify funding sources to support the pilot projects in this~~
4 ~~Section and distribution of funds shall be based on voluntary~~
5 ~~and incentive based models. The rules adopted by the Department~~
6 ~~shall also ensure that the Department continues to monitor~~
7 ~~updates in Electronic Health Record Technology and how other~~
8 ~~states have integrated their prescription monitoring databases~~
9 ~~with Electronic Health Records.~~

10 (f) Within one year of the effective date of this
11 amendatory Act of the 100th General Assembly, the Department
12 shall adopt rules requiring all Electronic Health Records
13 Systems to interface with the Prescription Monitoring Program
14 application program on or before January 1, 2021 to ensure that
15 all providers have access to specific patient records during
16 the treatment of their patients. These rules shall also address
17 the electronic integration of pharmacy records with the
18 Prescription Monitoring Program to allow for faster
19 transmission of the information required under this Section.
20 The Department shall establish actions to be taken if a
21 prescriber's Electronic Health Records System does not
22 effectively interface with the Prescription Monitoring Program
23 within the required timeline.

24 (g) The Department, in consultation with the Advisory
25 Committee, shall adopt rules allowing licensed prescribers or
26 pharmacists who have registered to access the Prescription

1 Monitoring Program to authorize a designee to consult the
2 Prescription Monitoring Program on their behalf. The rules
3 shall include reasonable parameters concerning a
4 practitioner's authority to authorize a designee, and the
5 eligibility of a person to be selected as a designee.

6 (Source: P.A. 99-480, eff. 9-9-15.)".