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(Original Signature of Member)

113TH CONGRESS  
1ST SESSION

# H. R.

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

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## IN THE HOUSE OF REPRESENTATIVES

Mr. WHITFIELD introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

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

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 2013”.

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 3990 of the Public Health Service Act (42  
25 U.S.C. 280g–3) is amended—

26 (1) in subsection (a)(1)—

1 (A) in subparagraph (A), by striking “or”;

2 (B) in subparagraph (B), by striking the

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

4 (C) by adding at the end the following:

5 “(C) to maintain and operate an existing

6 State-controlled substance monitoring pro-

7 gram.”;

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

9 lows:

10 “(b) MINIMUM REQUIREMENTS.—The Secretary

11 shall maintain and, as appropriate, supplement or revise

12 (after publishing proposed additions and revisions in the

13 Federal Register and receiving public comments thereon)

14 minimum requirements for criteria to be used by States

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

16 (c)(1)(A).”;

17 (3) in subsection (c)—

18 (A) in paragraph (1)(B)—

19 (i) in the matter preceding clause (i),

20 by striking “(a)(1)(B)” and inserting

21 “(a)(1)(B) or (a)(1)(C)”;

22 (ii) in clause (i), by striking “program

23 to be improved” and inserting “program to

24 be improved or maintained”; and

1 (iii) in clause (iv), by striking “public  
2 health” and inserting “public health or  
3 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 inserting before the period at  
10 the end “and include timelines for full im-  
11 plementation of such interoperability”; and

12 (iii) by adding at the end the fol-  
13 lowing:

14 “(B) MONITORING OF EFFORTS.—The  
15 Secretary shall monitor State efforts to achieve  
16 interoperability, as described in subparagraph  
17 (A).”;

18 (C) in paragraph (5)—

19 (i) by striking “implement or im-  
20 prove” and inserting “establish, improve,  
21 or maintain”; and

22 (ii) by adding at the end the fol-  
23 lowing: “The Secretary shall redistribute  
24 any funds that are so returned among the  
25 remaining grantees under this section in

1           accordance with the formula described in  
2           subsection (a)(2)(B).”;

3           (4) in the matter preceding paragraph (1) in  
4           subsection (d), by striking “In implementing or im-  
5           proving” and all that follows through “(a)(1)(B)”  
6           and inserting “In establishing, improving, or main-  
7           taining a controlled substance monitoring program  
8           under this section, a State shall comply, or with re-  
9           spect to a State that applies for a grant under sub-  
10          paragraph (B) or (C) of subsection (a)(1)”;

11          (5) in subsections (e), (f)(1), and (g), by strik-  
12          ing “implementing or improving” each place it ap-  
13          pears and inserting “establishing, improving, or  
14          maintaining”;

15          (6) in subsection (f)—

16                (A) in paragraph (1)(B) by striking “mis-  
17                use of a schedule II, III, or IV substance” and  
18                inserting “misuse of a controlled substance in-  
19                cluded in schedule II, III, or IV of section  
20                202(c) of the Controlled Substance Act”; and

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

22                “(3) EVALUATION AND REPORTING.—Subject  
23                to subsection (g), a State receiving a grant under  
24                subsection (a) shall provide the Secretary with ag-  
25                gregate data and other information determined by

1 the Secretary to be necessary to enable the Sec-  
2 retary—

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

5 “(B) to prepare and submit the report to  
6 Congress required by subsection (k)(2).

7 “(4) RESEARCH BY OTHER ENTITIES.—A de-  
8 partment, program, or administration receiving non-  
9 identifiable information under paragraph (1)(D)  
10 may make such information available to other enti-  
11 ties for research purposes.”;

12 (7) by redesignating subsections (h) through  
13 (n) as subsections (i) through (o), respectively;

14 (8) in subsections (c)(1)(A)(iv) and (d)(4), by  
15 striking “subsection (h)” each place it appears and  
16 inserting “subsection (i)”;

17 (9) by inserting after subsection (g) the fol-  
18 lowing:

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

22 “(1) facilitate prescriber use of the State’s con-  
23 trolled substance monitoring system; and

24 “(2) educate prescribers on the benefits of the  
25 system both to them and society.”;

1           (10) by amending subsection (l), as redesign-  
2           nated, to read as follows:

3           “(l) PREFERENCE.—Beginning 3 years after the date  
4           on which funds are first appropriated to carry out this  
5           section, the Secretary, in awarding any competitive grant  
6           under title V that is related to drug abuse (as determined  
7           by the Secretary) and for which only States or tribes are  
8           eligible to apply, may give preference to eligible States  
9           with applications approved under this section, to eligible  
10          States or tribes with existing controlled substance moni-  
11          toring programs that meet minimum requirements under  
12          this section, or to eligible States or tribes that put forth  
13          a good faith effort to meet those requirements (as deter-  
14          mined by the Secretary).”;

15          (11) in subsection (m)(1), as redesignated, by  
16          striking “establishment, implementation, or improve-  
17          ment” and inserting “establishment, improvement,  
18          or maintenance”;

19          (12) in subsection (n)(8), as redesignated, by  
20          striking “and the District of Columbia” and insert-  
21          ing “, the District of Columbia, and any common-  
22          wealth or territory of the United States”; and

23          (13) by amending subsection (o), as redesign-  
24          nated, to read as follows:

1       “(o) AUTHORIZATION OF APPROPRIATIONS.—To  
2 carry out this section, there are authorized to be appro-  
3 priated \$7,000,000 for each of fiscal years 2014 through  
4 2018.”.