

112TH CONGRESS  
1ST SESSION

# H. R. 1266

To amend the Controlled Substances Act to improve detection of the fraudulent abuse of prescriptions to obtain controlled substances in schedule II or III, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2011

Mr. GRIMM introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Controlled Substances Act to improve detection of the fraudulent abuse of prescriptions to obtain controlled substances in schedule II or III, 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 “Fraudulent Prescrip-  
5 tion Prevention Act of 2011”.

1 **SEC. 2. FRAUDULENT PRESCRIPTION PREVENTION.**

2 (a) IN GENERAL.—Section 303 of the Controlled  
3 Substances Act (21 U.S.C. 823) is amended by adding at  
4 the end the following:

5 “(i) FRAUDULENT PRESCRIPTION PREVENTION.—

6 “(1) REGISTRATION REQUIREMENT.—The At-  
7 torney General may not register a practitioner to  
8 dispense, or conduct research with, a controlled sub-  
9 stance in schedule II or III unless the practitioner  
10 agrees to comply with the requirements of this sub-  
11 section.

12 “(2) REPORTING APPLICABLE TO PRE-  
13 SCRIBING.—

14 “(A) IN GENERAL.—At the time of pre-  
15 scribing a controlled substance in schedule II or  
16 III, a practitioner shall, by means of the web  
17 portal under paragraph (4), submit the fol-  
18 lowing information to the Attorney General:

19 “(i) The name, date of birth, and ad-  
20 dress of the patient.

21 “(ii) The date and time of the pre-  
22 scription.

23 “(iii) The name and amount of the  
24 substance prescribed.

25 “(iv) The practitioner’s Drug Enforce-  
26 ment Administration registration number.

1           “(v) The practitioner’s contact infor-  
2           mation.

3           “(vi) If applicable, the prescription  
4           pad number.

5           “(B) EXCEPTIONS.—

6           “(i) MEDICAL EMERGENCY SITUA-  
7           TION.—Subparagraph (A) does not apply if  
8           the practitioner is prescribing a controlled  
9           substance in a medical emergency situa-  
10          tion.

11          “(ii) INCONVENIENCE.—If a practi-  
12          tioner does not have access to the web por-  
13          tal under paragraph (4) at the time of pre-  
14          scribing a controlled substance, the practi-  
15          tioner may make the submissions required  
16          by subparagraph (A) up to 7 days after  
17          the time of such prescribing.

18          “(3) REPORTING APPLICABLE TO DIS-  
19          PENSING.—

20          “(A) IN GENERAL.—Before dispensing a  
21          controlled substance in schedule II or III, a  
22          practitioner shall, by means of the web portal  
23          under paragraph (4), submit the following in-  
24          formation to the Attorney General:

1           “(i) Each item of information re-  
2           quired to be reported under paragraph (2)  
3           in connection with prescribing the sub-  
4           stance.

5           “(ii) The name, date of birth, and ad-  
6           dress of the purchaser of the substance.

7           “(iii) The date and time of the dis-  
8           pensing of the substance.

9           “(iv) The name and amount of the  
10          substance being dispensed.

11          “(v) Whether the dispensing con-  
12          stitutes a refill of a prescription.

13          “(vi) The practitioner’s Drug Enforce-  
14          ment Administration registration number.

15          “(vii) The practitioner’s contact infor-  
16          mation.

17          “(B) DECLINING TO DISPENSE.—At the  
18          time of declining to dispense a controlled sub-  
19          stance in schedule II or III, a practitioner shall,  
20          by means of the web portal under paragraph  
21          (4), submit the following information to the At-  
22          torney General:

23                 “(i) To the extent feasible, each item  
24                 of information that would have been re-

1           required to be reported under subparagraph  
2           (A) if the substance had been dispensed.

3           “(ii) Any reason to suspect that the  
4           individual attempting to purchase the sub-  
5           stance was acting pursuant to fraud.

6           “(4) WEB PORTAL.—The Attorney General  
7           shall establish and maintain a web portal that—

8           “(A) allows a practitioner to submit infor-  
9           mation to the Attorney General in accordance  
10          with paragraph (2) or (3), as applicable; and

11          “(B) at the time of such submission, com-  
12          municates an alert to the practitioner if—

13                  “(i) the patient or purchaser has re-  
14                  peatedly refilled the same prescription or  
15                  prescriptions for the same controlled sub-  
16                  stance;

17                  “(ii) the patient or purchaser has at-  
18                  tempted to obtain or fill the same prescrip-  
19                  tion or multiple prescriptions for the same  
20                  controlled substance within the preceding  
21                  30 days;

22                  “(iii) the patient or purchaser has a  
23                  history of purchasing controlled substances  
24                  in schedule II or III at multiple phar-  
25                  macies;

1           “(iv) the patient or purchaser has a  
2           history of purchasing such controlled sub-  
3           stances in multiple States;

4           “(v) the purchaser is attempting to  
5           purchase a controlled substance using a  
6           prescription pad number that has been re-  
7           ported as missing or stolen; or

8           “(vi) any other circumstance exists  
9           that, as determined by the Attorney Gen-  
10          eral, indicates an increased possibility that  
11          the patient or purchaser is attempting to  
12          unlawfully divert or misuse a controlled  
13          substance.

14          “(5) DATABASE.—The Attorney General shall  
15          establish and maintain a database containing the in-  
16          formation reported under paragraphs (2) and (3).

17          “(6) DISCLOSURE OF INFORMATION.—The At-  
18          torney General may disclose the information re-  
19          ported under paragraphs (2) and (3) only as follows:

20                 “(A) The Attorney General may make such  
21                 disclosures as may be necessary in order to  
22                 communicate alerts to practitioners under para-  
23                 graph (4)(B).

24                 “(B) The Attorney General may disclose  
25                 information reported under paragraph (2) or

1 (3) to any local, State, or Federal law enforce-  
2 ment, narcotics control, licensure, disciplinary,  
3 or program authority who certifies that the in-  
4 formation is related to an individual investiga-  
5 tion or proceeding involving the unlawful diver-  
6 sion or misuse of a controlled substance in  
7 schedule II or III, and such information will  
8 further the purpose of the investigation or as-  
9 sist in the proceeding.

10 “(C) The Attorney General may, on re-  
11 quest, disclose information reported under para-  
12 graph (2) or (3), or any summary or analysis  
13 thereof, to any person or agency if—

14 “(i) the information, summary, or  
15 analysis is not individually identifiable; and

16 “(ii) the person or agency requesting  
17 the information, summary, or analysis pro-  
18 vides satisfactory assurances that it will be  
19 used for research.

20 “(7) FUNDING.—The only amounts authorized  
21 to be appropriated to carry out this subsection are  
22 amounts in the Diversion Control Fee Account es-  
23 tablished by section 111(b) of the Departments of  
24 Commerce, Justice, and State, the Judiciary, and

1       Related Agencies Appropriations Act, 1993 (Public  
2       Law 102–395).”.

3       (b) APPLICABILITY DATE.—Paragraphs (1), (2), and  
4 (3) of section 303(i) of the Controlled Substances Act, as  
5 added by subsection (a), apply beginning on the date on  
6 which the Attorney General publishes in the Federal Reg-  
7 ister a determination that the web portal and database  
8 required by paragraphs (4) and (5) of such section are  
9 fully operational.

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