



Rep. Michael J. Zalewski

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10000HB4650ham001

LRB100 17477 SLF 38606 a

1 AMENDMENT TO HOUSE BILL 4650

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4650 on page 1, line  
3 5, by replacing "Section" with "Sections 314.5 and"; and

4 on page 1, immediately below line 5, by inserting the  
5 following:

6 "(720 ILCS 570/314.5)

7 Sec. 314.5. Medication shopping; pharmacy shopping.

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

1 substance or prescription for a controlled substance is sought.

2 (b) It shall be unlawful for a person knowingly or  
3 intentionally to fraudulently obtain or fraudulently seek to  
4 obtain any controlled substance from a pharmacy while being  
5 supplied with any controlled substance by another pharmacy,  
6 without disclosing the fact of the existing controlled  
7 substance to the pharmacy from which the subsequent controlled  
8 substance is sought.

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

12 (c-5) Effective January 1, 2018, each prescriber  
13 possessing an Illinois controlled substances license shall  
14 register with the Prescription Monitoring Program. Each  
15 prescriber or his or her designee shall also document an  
16 attempt to access patient information in the Prescription  
17 Monitoring Program to assess patient access to controlled  
18 substances when providing an initial prescription for Schedule  
19 II narcotics such as opioids, except for prescriptions for  
20 oncology treatment or palliative care, or a 7-day or less  
21 supply provided by a hospital emergency department when  
22 treating an acute, traumatic medical condition. This attempt to  
23 access shall be documented in the patient's medical record. The  
24 hospital shall facilitate the designation of a prescriber's  
25 designee for the purpose of accessing the Prescription  
26 Monitoring Program for services provided at the hospital.

1 (d) When a person has been identified as having 3 or more  
2 prescribers or 3 or more pharmacies, or both, that do not  
3 utilize a common electronic file as specified in Section 20 of  
4 the Pharmacy Practice Act for controlled substances within the  
5 course of a continuous 30-day period, the Prescription  
6 Monitoring Program may issue an unsolicited report to the  
7 prescribers, dispensers, and their designees informing them of  
8 the potential medication shopping. If an unsolicited report is  
9 issued to a prescriber or prescribers, then the report must  
10 also be sent to the applicable dispensing pharmacy.

11 (e) Nothing in this Section shall be construed to create a  
12 requirement that any prescriber, dispenser, or pharmacist  
13 request any patient medication disclosure, report any patient  
14 activity, or prescribe or refuse to prescribe or dispense any  
15 medications.

16 (f) This Section shall not be construed to apply to  
17 inpatients or residents at hospitals or other institutions or  
18 to institutional pharmacies.

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

26 (Source: P.A. 99-480, eff. 9-9-15; 100-564, eff. 1-1-18.)"; and

1 by replacing line 23 on page 4 through line 1 on page 5 with the  
2 following:

3 "eligibility of a person to be selected as a designee. In this  
4 subsection (g), "pharmacist" shall include a clinical  
5 pharmacist employed by and designated by a Medicaid Managed  
6 Care Organization providing services under Article V of the  
7 Illinois Public Aid Code under a contract with the Department  
8 of Health and Family Services for the sole purpose of clinical  
9 review of services provided to persons covered by the entity  
10 under the contract to determine compliance with subsections (a)  
11 and (b) of Section 314.5 of this Act. A managed care entity  
12 pharmacist shall notify prescribers of review activities."