
42 U.S. Code § 1396w-3a

Requirements relating to qualified prescription drug monitoring programs and prescribing certain controlled substances

(a) In general

Subject to subsection (d), beginning October 1, 2021, a State—

- (1) shall require each covered provider to check, in accordance with such timing, manner, and form as specified by the State, the prescription drug history of a covered individual being treated by the covered provider through a qualified prescription drug monitoring program described in subsection (b) before prescribing to such individual a controlled substance; and
- (2) in the case that such a provider is not able to conduct such a check despite a good faith effort by such provider—
 - (A) shall require the provider to document such good faith effort, including the reasons why the provider was not able to conduct the check; and
 - (B) may require the provider to submit, upon request, such documentation to the State.

(b) Qualified prescription drug monitoring program described

A qualified prescription drug monitoring program described in this subsection is, with respect to a State, a prescription drug monitoring program administered by the State that, at a minimum, satisfies each of the following criteria:

- (1) The program facilitates access by a covered provider to, at a minimum, the following information with respect to a covered individual, in as close to real-time as possible:
 - (A) Information regarding the prescription drug history of a covered individual with respect to controlled substances.
 - (B) The number and type of controlled substances prescribed to and filled for the covered individual during at least the most recent 12-month period.
 - (C) The name, location, and contact information (or other identifying number selected by the State, such as a national provider identifier issued by the National Plan and Provider Enumeration System of the Centers for Medicare & Medicaid Services) of each covered provider who prescribed a controlled substance to the covered individual during at least the most recent 12-month period.

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