

Effective 7/1/2015

58-37f-203 Submission, collection, and maintenance of data.

- (1)
 - (a) The division shall implement on a statewide basis, including non-resident pharmacies as defined in Section 58-17b-102, the following two options for a pharmacist to submit information:
 - (i) real-time submission of the information required to be submitted under this part to the controlled substance database; and
 - (ii) 24-hour daily or next business day, whichever is later, batch submission of the information required to be submitted under this part to the controlled substance database.
 - (b)
 - (i) On and after January 1, 2016, a pharmacist shall comply with either:
 - (A) the submission time requirements established by the division under Subsection (1)(a)(i);
 - or
 - (B) the submission time requirements established by the division under Subsection (1)(a)(ii).
 - (ii) Prior to January 1, 2016, a pharmacist may submit information using either option under this Subsection (1).
 - (c) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code.
- (2)
 - (a) The pharmacist in charge of the drug outlet where a controlled substance is dispensed shall submit the data described in this section to the division:
 - (i) in accordance with the requirements of this section;
 - (ii) in accordance with the procedures established by the division; and
 - (iii) in the format established by the division.
 - (b) A dispensing medical practitioner licensed under Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, shall comply with the provisions of this section and the dispensing medical practitioner shall assume the duties of the pharmacist under this chapter.
- (3) The pharmacist described in Subsection (2) shall, for each controlled substance dispensed by a pharmacist under the pharmacist's supervision other than those dispensed for an inpatient at a health care facility, submit to the division the following information:
 - (a) the name of the prescribing practitioner;
 - (b) the date of the prescription;
 - (c) the date the prescription was filled;
 - (d) the name of the individual for whom the prescription was written;
 - (e) positive identification of the individual receiving the prescription, including the type of identification and any identifying numbers on the identification;
 - (f) the name of the controlled substance;
 - (g) the quantity of the controlled substance prescribed;
 - (h) the strength of the controlled substance;
 - (i) the quantity of the controlled substance dispensed;
 - (j) the dosage quantity and frequency as prescribed;
 - (k) the name of the drug outlet dispensing the controlled substance; and
 - (l) the name of the pharmacist dispensing the controlled substance.
- (4) An individual whose records are in the database may obtain those records upon submission of a written request to the division.
- (5)

- (a) A patient whose record is in the database may contact the division in writing to request correction of any of the patient's database information that is incorrect. The patient shall provide a postal address for the division's response.
 - (b) The division shall grant or deny the request within 30 days from receipt of the request and shall advise the requesting patient of its decision by mail postmarked within 35 days of receipt of the request.
 - (c) If the division denies a request under this Subsection (5) or does not respond within 35 days, the patient may submit an appeal to the Department of Commerce, within 60 days after the postmark date of the patient's letter making a request for a correction under this Subsection (5).
- (6) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish submission requirements under this part, including the electronic format in which the information required under this section shall be submitted to the division.
- (7) The division shall ensure that the database system records and maintains for reference:
- (a) the identification of each individual who requests or receives information from the database;
 - (b) the information provided to each individual; and
 - (c) the date and time that the information is requested or provided.

Amended by Chapter 89, 2015 General Session

Amended by Chapter 326, 2015 General Session