

1 **CONTROLLED SUBSTANCE DATABASE - REPORTING**
2 **OF PRESCRIBED CONTROLLED SUBSTANCE**
3 **OVERDOSE OR POISONING**

4 2010 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Bradley M. Daw**

7 Senate Sponsor: Curtis S. Bramble

8 Cosponsors:
9 Trisha S. Beck

 Paul Ray

 F. Jay Seegmiller

11 **LONG TITLE**

12 **General Description:**

13 This bill amends the Utah Health Code, the Utah Controlled Substances Act, and
14 related provisions to provide for notification to a practitioner when a person who is 12
15 years of age or older is admitted to a hospital for poisoning by, or overdose of, a
16 prescribed controlled substance that the practitioner may have prescribed to the person.

17 **Highlighted Provisions:**

18 This bill:

19 ▶ requires that, when a person who is 12 years of age or older is admitted to a general
20 acute hospital for poisoning by, or overdose of, a prescribed controlled substance,
21 the general acute hospital must report the poisoning or overdose, and other
22 information, to the Division of Occupational and Professional Licensing (DOPL);

23 ▶ requires that, when DOPL receives a report described in the preceding paragraph,
24 DOPL must notify each practitioner who may have written a prescription for the
25 controlled substance of the poisoning or overdose and certain information relating
26 to the poisoning or overdose;

27 ▶ requires the division to increase the licensing fee for manufacturing, producing,
28 distributing, dispensing, administering, or conducting research, to pay the startup
29 and ongoing costs of the division for complying with the requirements of the

30 preceding paragraph; and

31 ▶ makes technical changes.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 This bill coordinates with H.B. 28 by providing technical amendments.

36 **Utah Code Sections Affected:**

37 ENACTS:

38 **26-21-26**, Utah Code Annotated 1953

39 **58-37-7.9**, Utah Code Annotated 1953

40 **Utah Code Sections Affected by Coordination Clause:**

41 **58-37-7.9**, Utah Code Annotated 1953



43 *Be it enacted by the Legislature of the state of Utah:*

44 Section 1. Section **26-21-26** is enacted to read:

45 **26-21-26. General acute hospital to report prescribed controlled substance**
46 **poisoning or overdose.**

47 (1) Beginning on July 1, 2012, if a person who is 12 years of age or older is admitted
48 to a general acute hospital for poisoning involving a prescribed controlled substance, the
49 general acute hospital shall, within three business days after the day on which the person is
50 admitted, send a written report to the Division of Occupational and Professional Licensing,
51 created in Section 58-1-103, that includes:

52 (a) the patient's name;

53 (b) each drug or other substance found in the person's system that may have
54 contributed to the poisoning or overdose, if known; and

55 (c) the name of each person who the general acute hospital has reason to believe may
56 have prescribed a controlled substance described in Subsection (1)(b) to the person, if known.

57 (2) Nothing in this section may be construed as creating a new cause of action.

58 Section 2. Section **58-37-7.9** is enacted to read:

59 **58-37-7.9. Reporting prescribed controlled substance poisoning or overdose to a**
60 **practitioner.**

61 (1) The definitions in Subsection 58-37-7.5(1) apply to this section.

62 (2) Beginning on July 1, 2012, if the division receives a report from a general acute
63 hospital under Section 26-21-26, regarding admission to a general acute hospital for poisoning
64 or overdose involving a prescribed controlled substance, the division shall, within three
65 business days after the day on which the report is received:

66 (a) attempt to identify, through the database, each practitioner who may have
67 prescribed the controlled substance to the patient; and

68 (b) provide each practitioner identified under Subsection (2)(a) with:

69 (i) a copy of the report provided by the general acute hospital under Section 26-21-26;
70 and

71 (ii) the information obtained from the database that led the division to determine that
72 the practitioner receiving the information may have prescribed the controlled substance to the
73 person named in the report.

74 (3) It is the intent of the Legislature that the information provided under Subsection
75 (2)(b) is provided for the purpose of assisting the practitioner in:

76 (a) discussing with the patient issues relating to the poisoning or overdose;

77 (b) advising the patient of measures that may be taken to avoid a future poisoning or
78 overdose; and

79 (c) making decisions regarding future prescriptions written for the patient.

80 (4) Beginning on July 1, 2010, the division shall, in accordance with Section
81 63J-1-504, increase the licensing fee described in Subsection 58-37-6(1)(b) to pay the startup
82 and ongoing costs of the division for complying with the requirements of this section.

83 Section 3. **Coordinating H.B. 35 with H.B. 28 -- Technical amendments.**

84 If this H.B. 35 and H.B. 28, Controlled Substance Database Amendments, both pass, it
85 is the intent of the Legislature that the Office of Legislative Research and General Counsel

86 shall prepare the Utah Code database for publication by renumbering and amending Section
87 58-37-7.9 to read:

88 "58-37f-702. Reporting prescribed controlled substance poisoning or overdose to
89 a practitioner.

90 (1) Beginning on July 1, 2012, if the division receives a report from a general acute
91 hospital under Section 26-21-26, regarding admission to a general acute hospital for poisoning
92 or overdose involving a prescribed controlled substance, the division shall, within three
93 business days after the day on which the report is received:

94 (a) attempt to identify, through the database, each practitioner who may have
95 prescribed the controlled substance to the patient; and

96 (b) provide each practitioner identified under Subsection (1)(a) with:

97 (i) a copy of the report provided by the general acute hospital under Section 26-21-26;
98 and

99 (ii) the information obtained from the database that led the division to determine that
100 the practitioner receiving the information may have prescribed the controlled substance to the
101 person named in the report.

102 (2) It is the intent of the Legislature that the information provided under Subsection
103 (1)(b) is provided for the purpose of assisting the practitioner in:

104 (a) discussing with the patient issues relating to the poisoning or overdose;

105 (b) advising the patient of measures that may be taken to avoid a future poisoning or
106 overdose; and

107 (c) making decisions regarding future prescriptions written for the patient.

108 (3) Beginning on July 1, 2010, the division shall, in accordance with Section
109 63J-1-504, increase the licensing fee described in Subsection 58-37-6(1)(b) to pay the startup
110 and ongoing costs of the division for complying with the requirements of this section."