

Senator Curtis S. Bramble proposes the following substitute bill:

**CONTROLLED SUBSTANCE DATABASE - REPORTING
OF PRESCRIBED CONTROLLED SUBSTANCE
OVERDOSE OR POISONING**

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley M. Daw

Senate Sponsor: Curtis S. Bramble

Cosponsors:
Trisha S. Beck

Paul Ray

F. Jay Seegmiller

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ requires that, when a person who is 12 years of age or older is admitted to a general acute hospital for poisoning by, or overdose of, a prescribed controlled substance, the general acute hospital must report the poisoning or overdose, and other information, to the Division of Occupational and Professional Licensing (DOPL);
- ▶ requires that, when DOPL receives a report described in the preceding paragraph, DOPL must notify each practitioner that may have written a prescription for the 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 **58-37f-702**, 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 to
48 a general acute hospital for poisoning involving a prescribed controlled substance, the general
49 acute hospital shall, within three business days after the day on which the person is admitted,
50 send a written report to the Division of Occupational and Professional Licensing, created in
51 Section 68-1-103, 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 a
89 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.

**Revised
Fiscal Note**

**H.B. 35 2nd Sub. (Gray) - Controlled Substance Database - Reporting of
Prescribed Controlled Substance Overdose or Poisoning**

2010 General Session

State of Utah

State Impact

To comply with the provisions of this bill, it is estimated that the Department of Commerce would need one FTE with annual costs of \$30,000 beginning in FY 2012. In addition, programming and capital costs will be \$36,500 (one-time) in FY 2012. License fees for individuals licensed to prescribe controlled substances will be increased to cover the additional expenses and will generate General Fund revenue of \$26,700 in FY 2012. Commerce Service Fund revenue and expenditures affect the annual transfer to the General Fund.

	<u>FY 2010 Approp.</u>	<u>FY 2011 Approp.</u>	<u>FY 2012 Approp.</u>	<u>FY 2010 Revenue</u>	<u>FY 2011 Revenue</u>	<u>FY 2012 Revenue</u>
General Fund	\$0	\$0	\$0	\$0	\$63,200	\$63,200
General Fund, One-Time	\$0	\$0	\$0	\$0	(\$63,200)	(\$36,500)
Commerce Service Fund	\$0	\$30,000	\$30,000	\$0	\$0	\$0
Commerce Service, One-time	\$0	(\$30,000)	\$36,500	\$0	\$0	\$0
Total	\$0	\$0	\$66,500	\$0	\$0	\$26,700

Individual, Business and/or Local Impact

Individuals licensed to prescribe controlled substances will see their license fee increase by \$7.00. Enactment of this bill likely will not result in direct, measurable costs and/or benefits for businesses or local governments.