

**E-PRESCRIBING AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the Electronic Prescribing Act.

**Highlighted Provisions:**

This bill:

- ▶ requires a practitioner to offer the patient a choice regarding to which pharmacy the prescription is transmitted;
- ▶ requires the entity transmitting the prescription to transmit the prescription with the particular drug prescribed by the practitioner; and
- ▶ requires the entity that facilitates the electronic prescribing process to provide the practitioner with insurance formulary information, if available.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect July 1, 2012.

**Utah Code Sections Affected:**

AMENDS:

**58-82-201 (Effective 07/01/12)**, as enacted by Laws of Utah 2009, Chapter 47

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

Section 1. Section **58-82-201 (Effective 07/01/12)** is amended to read:



28           **58-82-201 (Effective 07/01/12). Electronic prescriptions -- Restrictions --**  
29 **Rulemaking authority.**

30           (1) Subject to the provisions of this section, a practitioner shall:

31           (a) provide each existing patient of the practitioner with the option of participating in  
32 electronic prescribing for prescriptions issued for the patient, if the practitioner prescribes a  
33 drug or device for the patient on or after July 1, 2012[-]; and

34           (b) offer the patient a choice regarding to which pharmacy the practitioner will issue  
35 the electronic prescription.

36           (2) A practitioner may not issue a prescription through electronic prescribing for a  
37 drug, device, or federal controlled substance that the practitioner is prohibited by federal law or  
38 federal rule from issuing through electronic prescribing.

39           (3) A pharmacy shall:

40           (a) accept an electronic prescription that is transmitted in accordance with the  
41 requirements of this section and division rules; and

42           (b) dispense a drug or device as directed in an electronic prescription described in  
43 Subsection (3)(a).

44           (4) The division shall make rules to ensure that:

45           (a) except as provided in Subsection [~~(5)~~] (6), practitioners and pharmacies comply  
46 with this section;

47           (b) electronic prescribing is conducted in a secure manner, consistent with industry  
48 standards; and

49           (c) each patient is fully informed of the patient's rights, restrictions, and obligations  
50 pertaining to electronic prescribing.

51           (5) An entity that facilitates the electronic prescribing process under this section shall:

52           (a) provide the practitioner with insurance formulary information for a patient's insurer,  
53 if available, to the entity; and

54           (b) transmit to the pharmacy the prescription with the particular drug prescribed by the  
55 practitioner.

56           [~~(5)~~] (6) The division may, by rule, grant an exemption from the requirements of this  
57 section to a pharmacy or a practitioner to the extent that the pharmacy or practitioner can  
58 establish, to the satisfaction of the division, that compliance with the requirements of this

59 section would impose an extreme financial hardship on the pharmacy or practitioner.

60 Section 2. **Effective date.**

61 This bill takes effect July 1, 2012.

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**Legislative Review Note**  
**as of 1-31-12 10:03 AM**

**Office of Legislative Research and General Counsel**