

121 (C) are not conducted for profit or commercial gain; and

122 (D) are conducted in a research facility, as defined by division rule, that is associated
 123 with a university or college in the state accredited by ~~H→ [the Northwest Commission on Colleges~~
 124 ~~and Universities]~~ **one or more regional or national accrediting agencies recognized by the U.S.**

124a **Department of Education** ←H ;

125 (iii) the designee protects the information as a business associate of the Department of
 126 Health; and

127 (iv) the identity of the prescribers, patients, and pharmacies in the database are
 128 de-identified, confidential, not disclosed in any manner to the designee or to any individual
 129 who is not directly involved in the scientific studies;

130 (e) in accordance with the written agreement entered into with the department and the
 131 Department of Health, authorized employees of a managed care organization, as defined in 42
 132 C.F.R. Sec. 438, if:

133 (i) the managed care organization contracts with the Department of Health under the
 134 provisions of Section 26-18-405 and the contract includes provisions that:

135 (A) require a managed care organization employee who will have access to information
 136 from the database to submit to a criminal background check; and

137 (B) limit the authorized employee of the managed care organization to requesting either
 138 the division or the Department of Health to conduct a search of the database regarding a
 139 specific Medicaid enrollee and to report the results of the search to the authorized employee;
 140 and

141 (ii) the information is requested by an authorized employee of the managed care
 142 organization in relation to a person who is enrolled in the Medicaid program with the managed
 143 care organization, and the managed care organization suspects the person may be improperly
 144 obtaining or providing a controlled substance;

145 (f) a licensed practitioner having authority to prescribe controlled substances, to the
 146 extent the information:

147 (i) (A) relates specifically to a current or prospective patient of the practitioner; and

148 (B) is provided to or sought by the practitioner for the purpose of:

149 (I) prescribing or considering prescribing any controlled substance to the current or
 150 prospective patient;

151 (II) diagnosing the current or prospective patient;

307 ~~Ĥ→ [(3) All costs associated with accessing the information contained in the controlled~~
 308 ~~substance database shall be assumed by the accessing pharmacy, pharmaceutical facility, or~~
 309 ~~prescribing practitioner.] ←Ĥ~~

310 Section 4. **Repealer.**

311 This bill repeals:

312 Section ~~58-37f-801~~, **Pilot program for real-time reporting for controlled substance**
 313 **database -- Statewide implementation.**

314 Section 5. **Appropriation.**

315 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
 316 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money
 317 are appropriated from resources not otherwise appropriated, or reduced from amounts
 318 previously appropriated, out of the funds or accounts indicated. These sums of money are in
 319 addition to any amounts previously appropriated for fiscal year 2016.

320 To Department of Commerce - Division of Occupational and Professional Licensing

321 From General Fund \$46,000

322 Schedule of Programs:

323 Controlled Substance Database \$46,000

324 Section 6. **Effective date.**

325 This bill takes effect on July 1, 2015.

Legislative Review Note
 as of 2-23-15 4:33 PM

Office of Legislative Research and General Counsel