

## **Part 7 Miscellaneous**

### **58-37f-701 Immunity from liability.**

- (1) An individual who has submitted information to or accessed and reviewed the database in accordance with this chapter may not be held civilly liable, including under Title 78B, Chapter 3, Part 4, Utah Health Care Malpractice Act, for such actions, or a lack of action, which are protected and are not subject to civil discovery, as provided in Section 58-37f-302.
- (2) Notwithstanding any other provision of law, any action or lack of action by a prescriber or dispenser to meet the requirements of Section 58-37f-304 may not be used by the division in any action against the prescriber or dispenser.
- (3) Nothing in Section 58-37f-304 establishes a minimum standard of care for prescribers and dispensers.

Amended by Chapter 275, 2016 General Session

### **58-37f-702 Reporting prescribed controlled substance poisoning or overdose to a practitioner.**

- (1) The division shall take the actions described in Subsection (2) if the division receives a report from:
  - (a) a medical examiner under Section 26-4-10.5 regarding a death caused by poisoning or overdose involving a prescribed controlled substance; or
  - (b) a general acute hospital under Section 26-21-26 regarding admission to a general acute hospital for poisoning or overdose involving a prescribed controlled substance.
- (2) The division shall, within three business days after the day on which a report in Subsection (1) is received:
  - (a) attempt to identify, through the database, each practitioner who may have prescribed the controlled substance to the patient; and
  - (b) provide each practitioner identified under Subsection (2)(a) with:
    - (i) a copy of the report provided by the medical examiner under Section 26-4-10.5 or the general acute hospital under Section 26-21-26; and
    - (ii) the information obtained from the database that led the division to determine that the practitioner receiving the information may have prescribed the controlled substance to the person named in the report.
- (3) It is the intent of the Legislature that the information provided under Subsection (2)(b) is provided for the purpose of assisting the practitioner in:
  - (a) discussing with the patient or others issues relating to the poisoning or overdose;
  - (b) advising the patient or others of measures that may be taken to avoid a future poisoning or overdose; and
  - (c) making decisions regarding future prescriptions written for the patient or others.
- (4) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504, increase the licensing fee described in Subsection 58-37-6(1)(b) to pay the startup and ongoing costs of the division for complying with the requirements of this section.

Amended by Chapter 99, 2016 General Session

Amended by Chapter 104, 2016 General Session

**58-37f-703 Entering certain convictions into the database and reporting them to practitioners.**

- (1) When the division receives a report from a court under Subsection 41-6a-502(4) or 41-6a-502.5(5)(b) relating to a conviction for driving under the influence of, or while impaired by, a prescribed controlled substance, the division shall:
  - (a) daily enter into the database the information supplied in the report, including the date on which the person was convicted;
  - (b) attempt to identify, through the database, each practitioner who may have prescribed the controlled substance to the convicted person; and
  - (c) provide each practitioner identified under Subsection (1)(b) with:
    - (i) a copy of the information provided by the court; and
    - (ii) the information obtained from the database that led the division to determine that the practitioner receiving the information may have prescribed the controlled substance to the convicted person.
- (2) It is the intent of the Legislature that the information provided under Subsection (1)(b) is provided for the purpose of assisting the practitioner in:
  - (a) discussing the manner in which the controlled substance may impact the convicted person's driving;
  - (b) advising the convicted person on measures that may be taken to avoid adverse impacts of the controlled substance on future driving; and
  - (c) making decisions regarding future prescriptions written for the convicted person.
- (3) Beginning on July 1, 2010, the division shall, in accordance with Section 63J-1-504, increase the licensing fee described in Subsection 58-37-6(1)(b) to pay the startup and ongoing costs of the division for complying with the requirements of this section.

Amended by Chapter 99, 2016 General Session

**58-37f-704 Entering certain convictions into the database.**

Beginning October 1, 2016, if the division receives a report from a court under Subsection 58-37-8(1)(e) or 58-37-8(2)(j), the division shall daily enter into the database the information supplied in the report.

Enacted by Chapter 99, 2016 General Session