

Effective 5/12/2020

Superseded 5/5/2021

58-37f-303 Access to opioid prescription information via an electronic data system.

- (1) As used in this section:
 - (a) "Dispense" means the same as that term is defined in Section 58-17b-102.
 - (b) "EDS user":
 - (i) means:
 - (A) a prescriber;
 - (B) a pharmacist;
 - (C) a pharmacy intern;
 - (D) a pharmacy technician; or
 - (E) an individual granted access to the database under Subsection 58-37f-301(3)(c); and
 - (ii) does not mean an individual whose access to the database has been revoked by the division pursuant to Subsection 58-37f-301(5)(c).
 - (c) "Electronic data system" means a software product or an electronic service used by:
 - (i) a prescriber to manage electronic health records; or
 - (ii) a pharmacist, pharmacy intern, or pharmacy technician working under the general supervision of a licensed pharmacist to manage the dispensing of prescription drugs.
 - (d) "Opioid" means any substance listed in Subsection 58-37-4(2)(b)(i) or (2)(b)(ii).
 - (e) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
 - (f) "Prescriber" means a practitioner, as that term is defined in Section 58-37-2, who is licensed under Section 58-37-6 to prescribe an opioid.
 - (g) "Prescription drug" means the same as that term is defined in Section 58-17b-102.
- (2) Subject to Subsections (3) through (6), no later than January 1, 2017, the division shall make opioid prescription information in the database available to an EDS user via the user's electronic data system.
- (3) An electronic data system may be used to make opioid prescription information in the database available to an EDS user only if the electronic data system complies with rules established by the division under Subsection (4).
- (4)
 - (a) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying:
 - (i) an electronic data system's:
 - (A) allowable access to and use of opioid prescription information in the database; and
 - (B) minimum actions that must be taken to ensure that opioid prescription information accessed from the database is protected from inappropriate disclosure or use; and
 - (ii) an EDS user's:
 - (A) allowable access to opioid prescription information in the database via an electronic data system; and
 - (B) allowable use of the information.
 - (b) The rules shall establish:
 - (i) minimum user identification requirements that in substance are the same as the database identification requirements in Section 58-37f-301;
 - (ii) user access restrictions that in substance are the same as the database identification requirements in Section 58-37f-301; and
 - (iii) any other requirements necessary to ensure that in substance the provisions of Sections 58-37f-301 and 58-37f-302 apply to opioid prescription information in the database that has been made available to an EDS user via an electronic data system.

- (5) The division may not make opioid prescription information in the database available to an EDS user via the user's electronic data system if:
 - (a) the electronic data system does not comply with the rules established by the division under Subsection (4); or
 - (b) the EDS user does not comply with the rules established by the division under Subsection (4).
- (6)
 - (a) The division shall periodically audit the use of opioid prescription information made available to an EDS user via the user's electronic data system.
 - (b) The audit shall review compliance by:
 - (i) the electronic data system with rules established by the division under Subsection (4); and
 - (ii) the EDS user with rules established by the division under Subsection (4).
 - (c)
 - (i) If the division determines by audit or other means that an electronic data system is not in compliance with rules established by the division under Subsection (4), the division shall immediately suspend or revoke the electronic data system's access to opioid prescription information in the database.
 - (ii) If the division determines by audit or other means that an EDS user is not in compliance with rules established by the division under Subsection (4), the division shall immediately suspend or revoke the EDS user's access to opioid prescription information in the database via an electronic data system.
 - (iii) If the division suspends or revokes access to opioid prescription information in the database under Subsection (6)(c)(i) or (6)(c)(ii), the division shall also take any other appropriate corrective or disciplinary action authorized by this chapter or title.