

Representative Bradley M. Daw proposes the following substitute bill:

1 **CONTROLLED SUBSTANCE DATABASE -**
2 **REPORTING OF PRESCRIBED CONTROLLED SUBSTANCE**
3 **OVERDOSE OR POISONING**

4 2010 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Bradley M. Daw**

7 Senate Sponsor: Curtis S. Bramble

8
9 **LONG TITLE**

10 **General Description:**

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

15 **Highlighted Provisions:**

16 This bill:

17 ▶ requires that, when a person who is twelve years of age or older is admitted to a
18 general acute hospital for poisoning by, or overdose of, a prescribed controlled
19 substance, the general acute hospital must report the poisoning or overdose, and
20 other information, to the Division of Occupational and Professional Licensing
21 (DOPL);

22 ▶ requires that, when DOPL receives a report described in the preceding paragraph,
23 DOPL must notify each practitioner that may have written a prescription for the
24 controlled substance of the poisoning or overdose and certain information relating
25 to the poisoning or overdose; and



26 ▶ makes technical changes.

27 **Monies Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 This bill coordinates with H.B. 28 by providing technical amendments.

31 **Utah Code Sections Affected:**

32 ENACTS:

33 **26-21-26**, Utah Code Annotated 1953

34 **58-37-7.9**, Utah Code Annotated 1953

35 **Utah Code Sections Affected by Coordination Clause:**

36 **58-37f-702**, Utah Code Annotated 1953

37

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

39 Section 1. Section **26-21-26** is enacted to read:

40 **26-21-26. General acute hospital to report prescribed controlled substance**
41 **poisoning or overdose.**

42 (1) If a person who is 12 years of age or older is admitted to a general acute hospital for
43 poisoning involving a prescribed controlled substance, the general acute hospital shall, within
44 three business days after the day on which the person is admitted, send a written report to the
45 Division of Occupational and Professional Licensing, created in Section 68-1-103, that
46 includes:

47 (a) the patient's name;

48 (b) each drug or other substance found in the person's system that may have
49 contributed to the poisoning or overdose, if known; and

50 (c) the name of each person who the general acute hospital has reason to believe may
51 have prescribed a controlled substance described in Subsection (1)(b) to the person, if known.

52 (2) Nothing in this section may be construed as creating a new cause of action.

53 Section 2. Section **58-37-7.9** is enacted to read:

54 **58-37-7.9. Reporting prescribed controlled substance poisoning or overdose to a**
55 **practitioner.**

56 (1) The definitions in Subsection 58-37-7.5(1) apply to this section.

57 (2) If the division receives a report from a general acute hospital under Section
58 26-21-26, regarding admission to a general acute hospital for poisoning or overdose involving
59 a prescribed controlled substance, the division shall, within three business days after the day on
60 which the report is received:

61 (a) attempt to identify, through the database, each practitioner who may have
62 prescribed the controlled substance to the patient; and

63 (b) provide each practitioner identified under Subsection (2)(a) with:

64 (i) a copy of the report provided by the general acute hospital under Section 26-21-26;

65 and

66 (ii) the information obtained from the database that led the division to determine that
67 the practitioner receiving the information may have prescribed the controlled substance to the
68 person named in the report.

69 (3) It is the intent of the Legislature that the information provided under Subsection
70 (2)(b) is provided for the purpose of assisting the practitioner in:

71 (a) discussing with the patient issues relating to the poisoning or overdose;

72 (b) advising the patient of measures that may be taken to avoid a future poisoning or
73 overdose; and

74 (c) making decisions regarding future prescriptions written for the patient.

75 **Section 3. Coordinating H.B. 35 with H.B. 28 -- Technical amendments.**

76 If this H.B. 35 and H.B. 28, Controlled Substance Database Amendments, both pass, it
77 is the intent of the Legislature that the Office of Legislative Research and General Counsel
78 shall prepare the Utah Code database for publication by renumbering and amending Section
79 58-37-7.9 to read:

80 **"58-37f-702. Reporting prescribed controlled substance overdose to a**
81 **practitioner.**

82 (1) If the division receives a report from a health care provider under Section 26-7-6,
83 relating to a hospital admission of a patient for a prescribed controlled substance overdose, the
84 division shall, within three business days:

85 (a) attempt to identify, through the database, each practitioner who may have
86 prescribed the controlled substance to the patient; and

87 (b) provide each practitioner identified under Subsection (1)(a) with:

88 (i) a copy of the information provided by the health care provider under Section
89 26-7-6; and
90 (ii) the information obtained from the database that led the division to determine that
91 the practitioner receiving the information may have prescribed the controlled substance to the
92 patient.
93 (2) It is the intent of the Legislature that the information provided under Subsection
94 (1)(b) is provided for the purpose of assisting the practitioner in:
95 (a) discussing issues relating to the overdose;
96 (b) advising the patient on measures that may be taken to avoid a future overdose; and
97 (c) making decisions regarding future prescriptions written for the patient."