

**CONTROLLED SUBSTANCE DATABASE AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: Bradley M. Daw

---

---

**LONG TITLE**

**General Description:**

This bill modifies provisions relating to access to the Controlled Substance Database **H→**.  
[~~and requires a physician to review the database before writing a first prescription to a  
patient for a schedule II or schedule III controlled substance.~~] **←H**

**Highlighted Provisions:**

This bill:

- ▶ authorizes certain individuals to access the controlled substance database for the purpose of reviewing a patient's request for workers' compensation benefits;
- H→** [~~→ requires that a physician review the controlled substance database before writing a first prescription for a schedule II or schedule III controlled substance to check for prescription duplication, drug over-use, or drug abuse; and~~] **←H**
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

**S→** [~~None~~] This bill takes effect on January 1, 2012. **←S**

**Utah Code Sections Affected:**

AMENDS:

**58-37f-301**, as enacted by Laws of Utah 2010, Chapter 287 and last amended by Coordination Clause, Laws of Utah 2010, Chapter 312

S.B. 248



121 obtained by the mental health therapist, under this Subsection (2)(h), from the database; ~~[and]~~

122 (i) an individual who is the recipient of a controlled substance prescription entered into  
123 the database, upon providing evidence satisfactory to the division that the individual requesting  
124 the information is in fact the individual about whom the data entry was made[-];

125 (j) the following licensed physicians for the purpose of reviewing and offering an  
126 opinion on an individual's request for workers' compensation benefits under Title 34A, Chapter  
127 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah Occupational Disease Act:

128 (i) a member of the medical panel described in Section 34A-2-601; ~~§~~→ or

129 ~~(ii) the medical director for the Labor Commission;~~

130 ~~(iii) the medical director for a workers' compensation insurer; or~~

131 ~~(iv) the medical director for a self-insured employer; and~~

131a (ii) a physician offering a second opinion regarding treatment.

132 ~~(k) a physician for the purpose of checking for prescription duplication, drug over-use,~~  
133 ~~or drug abuse pursuant to Section 58-37f-704.] ←§~~

134 (3) (a) A practitioner described in Subsection (2)(d) may designate up to three  
135 employees to access information from the database under Subsection (2)(e).

136 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
137 Administrative Rulemaking Act, to establish background check procedures to determine  
138 whether an employee designated under Subsection (2)(e)(i) should be granted access to the  
139 database.

140 (c) The division shall grant an employee designated under Subsection (2)(e)(i) access  
141 to the database, unless the division determines, based on a background check, that the  
142 employee poses a security risk to the information contained in the database.

143 (d) The division may impose a fee, in accordance with Section 63J-1-504, on a  
144 practitioner who designates an employee under Subsection (2)(e)(i), to pay for the costs  
145 incurred by the division to conduct the background check and make the determination  
146 described in Subsection (3)(b).

147 (4) (a) An individual who is granted access to the database based on the fact that the  
148 individual is a licensed practitioner or a mental health therapist shall be denied access to the  
149 database when the individual is no longer licensed.

150 (b) An individual who is granted access to the database based on the fact that the  
151 individual is a designated employee of a licensed practitioner shall be denied access to the

152 database when the practitioner is no longer licensed.

153 ~~§~~→ [Section 2. ~~Section 58-37f-704 is enacted to read:~~

154 ~~58-37f-704. Requirement to check controlled substance database.~~

155 ~~A licensed physician shall review the database before writing a first prescription to a~~  
156 ~~patient for a schedule II or schedule III controlled substance to determine if there is evidence~~  
157 ~~relating to the patient of:~~

158 ~~(1) prescription duplication;~~

159 ~~(2) drug over-use; or~~

160 ~~(3) drug abuse.] Section 2. Effective Date~~

160a This bill takes effect on January 1, 2012. ←§

---

---

Legislative Review Note  
as of 2-15-11 10:49 AM

Office of Legislative Research and General Counsel