

Representative Evan J. Vickers proposes the following substitute bill:

E-PRESCRIBING AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Electronic Prescribing Act.

Highlighted Provisions:

This bill:

- ▶ requires a practitioner to offer the patient a choice regarding to which pharmacy the prescription is transmitted;
- ▶ requires the entity transmitting the prescription to transmit the prescription with the particular drug prescribed by the practitioner;
- ▶ requires the entity that facilitates the electronic prescribing process to provide the practitioner with insurance formulary information, if available; and
- ▶ delays implementation of e-prescribing mandates until July 1, 2013.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect July 1, 2012.

Utah Code Sections Affected:

AMENDS:

58-82-201 (Effective 07/01/12), as enacted by Laws of Utah 2009, Chapter 47



26 **Uncodified Material Affected:**

AMENDS UNCODIFIED MATERIAL:

27 **Uncodified Section 4, Laws of Utah 2009, Chapter 48**

28 This uncodified section affects Sections 58-82-101, 58-82-102, and 58-82-201.



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

31 Section 1. Section **58-82-201 (Effective 07/01/12)** is amended to read:

32 **58-82-201 (Effective 07/01/12). Electronic prescriptions -- Restrictions --**

33 **Rulemaking authority.**

34 (1) Subject to the provisions of this section, a practitioner shall:

35 (a) provide each existing patient of the practitioner with the option of participating in
36 electronic prescribing for prescriptions issued for the patient, if the practitioner prescribes a
37 drug or device for the patient on or after July 1, 2012[-]; and

38 (b) offer the patient a choice regarding to which pharmacy the practitioner will issue
39 the electronic prescription.

40 (2) A practitioner may not issue a prescription through electronic prescribing for a
41 drug, device, or federal controlled substance that the practitioner is prohibited by federal law or
42 federal rule from issuing through electronic prescribing.

43 (3) A pharmacy shall:

44 (a) accept an electronic prescription that is transmitted in accordance with the
45 requirements of this section and division rules; and

46 (b) dispense a drug or device as directed in an electronic prescription described in
47 Subsection (3)(a).

48 (4) The division shall make rules to ensure that:

49 (a) except as provided in Subsection [~~(5)~~] (6), practitioners and pharmacies comply
50 with this section;

51 (b) electronic prescribing is conducted in a secure manner, consistent with industry
52 standards; and

53 (c) each patient is fully informed of the patient's rights, restrictions, and obligations
54 pertaining to electronic prescribing.

55 (5) An entity that facilitates the electronic prescribing process under this section shall:

56 (a) provide the practitioner with insurance formulary information for a patient's insurer,
57 if available, to the entity; and

58 (b) transmit to the pharmacy the prescription with the particular drug prescribed by the
59 practitioner.

60 ~~[(5)]~~ (6) The division may, by rule, grant an exemption from the requirements of this
61 section to a pharmacy or a practitioner to the extent that the pharmacy or practitioner can
62 establish, to the satisfaction of the division, that compliance with the requirements of this
63 section would impose an extreme financial hardship on the pharmacy or practitioner.

64 Section 2. **Uncodified Section 4, Laws of Utah 2009, Chapter 48** is amended to read:

65 Section 4. **Effective date.**

66 This bill takes effect on July 1, ~~[2012]~~ 2013.

67 Section 3. **Effective date.**

68 This bill takes effect July 1, 2012.