

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 meet certain standards; 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

Uncodified Material Affected:

AMENDS UNCODIFIED MATERIAL:

Uncodified Section 4, Laws of Utah 2009, Chapter 47



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

27

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

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

30 **58-82-201 (Effective 07/01/12). Electronic prescriptions -- Restrictions --**
31 **Rulemaking authority.**

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

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

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

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

41 (3) A pharmacy shall:

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

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

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

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

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

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

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

54 (a) transmit to the pharmacy the prescription for the drug prescribed by the prescribing
55 practitioner;

56 (b) use an open platform without regard to commercial interests of any particular health

57 insurance plan, health plan, or other third party payer;

58 (c) transmit only scientifically accurate, objective, and unbiased information to

59 prescribing practitioners;

60 (d) support access to data necessary for clinical and patient decision making, including

61 information regarding:

62 (i) potential adverse events or drug interactions;

63 (ii) current insurance formulary information for a patient, if available; and

64 (iii) patient cost-sharing information, such as co-payments, deductibles, and

65 co-insurance; and

66 (e) allow a prescribing practitioner, without electronic or software barriers, to override

67 a formulary or preferred drug status in order to:

68 (i) access information about a drug; and

69 (ii) prescribe and transmit a prescription for any drug that is available in the United

70 States.

71 [~~5~~] (6) The division may, by rule, grant an exemption from the requirements of this

72 section to a pharmacy or a practitioner to the extent that the pharmacy or practitioner can

73 establish, to the satisfaction of the division, that compliance with the requirements of this

74 section would impose an extreme financial hardship on the pharmacy or practitioner.

75 Section 2. **Uncodified Section 4, Laws of Utah 2009, Chapter 47** is amended to read:

76 Section 4. **Effective date.**

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

78 Section 3. **Effective date.**

79 This bill takes effect July 1, 2012.