

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: Peter C. Knudson

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.

This bill provides revisor instructions.

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:



26 **Uncodified Section 4, Laws of Utah 2009, Chapter 47**

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



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

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

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

32 **Rulemaking authority.**

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

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

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

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

42 (3) A pharmacy shall:

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

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

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

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

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

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

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

55 (a) transmit to the pharmacy the prescription for the drug prescribed by the prescribing
56 practitioner however, this Subsection (5)(a) does not prohibit the use of an electronic

57 intermediary if the electronic intermediary does not over-ride a patient's or prescriber's choice
58 of pharmacy;

59 (b) transmit only scientifically accurate, objective, and unbiased information to
60 prescribing practitioners; and

61 (c) allow a prescribing practitioner to electronically override a formulary or preferred
62 drug status when medically necessary.

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

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

68 Section 4. **Effective date.**

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

70 Section 3. **Effective date.**

71 This bill takes effect July 1, 2012.

72 Section 4. **Revisor instructions.**

73 The Legislature intends that the Office of Legislative Research and General Counsel, in
74 preparing the Utah Code database for publication, change the effective date in Sections
75 58-82-101, 58-82-102, and 58-82-201 from July 1, 2012 to July 1, 2013.