

HB0122S03 compared with HB0122S02

~~{deleted text}~~ shows text that was in HB0122S02 but was deleted in HB0122S03.

inserted text shows text that was not in HB0122S02 but was inserted into HB0122S03.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Evan J. Vickers proposes the following substitute bill:

~~{E-PRESCRIBING}~~ 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.

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[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:

Uncodified Section 4, Laws of Utah 2009, Chapter 47

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

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

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

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

Rulemaking authority.

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

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

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

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

(3) A pharmacy shall:

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

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

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

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

(b) electronic prescribing is conducted in a secure manner, consistent with industry

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standards; and

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

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

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

~~_____ (b) use an open platform without regard to commercial interests of any particular health insurance plan, health plan, or other third party payer;~~

~~_____ (c) however, this Subsection (5)(a) does not prohibit the use of an electronic intermediary if the electronic intermediary does not over-ride a patient's or prescriber's choice of pharmacy;~~

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

~~_____ (d) support access to data necessary for clinical and patient decision making, including information regarding:~~

~~_____ (i) potential adverse events or drug interactions;~~

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

~~_____ (iii) patient cost-sharing information, such as co-payments, deductibles, and co-insurance; and~~

~~_____ (e) and~~

(c) allow a prescribing practitioner, without electronic or software barriers, to electronically override a formulary or preferred drug status in order to:

~~_____ (i) access information about a drug; and~~

~~_____ (ii) prescribe and transmit a prescription for any drug that is available in the United States; when medically necessary.~~

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

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

Section 4. **Effective date.**

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

Section 3. **Effective date.**

This bill takes effect July 1, 2012.

Section 4. Revisor instructions.

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