

1 **CONTROLLED SUBSTANCE DATABASE MODIFICATIONS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Evan J. Vickers**

5 House Sponsor: Bradley G. Last

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Controlled Substance Database Act regarding access by pharmacy
10 technicians.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ allows the pharmacist-in-charge to designate ~~§~~→ [a] up to three ←~~§~~ licensed pharmacy

13a ~~§~~→ [technician] technicians ←~~§~~ to have

14 access to the database on behalf of the pharmacist in accordance with statutory
15 requirements.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 **AMENDS:**

22 **58-37f-301**, as last amended by Laws of Utah 2013, Chapters 12, 130, and 262

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

25 Section 1. Section **58-37f-301** is amended to read:

26 **58-37f-301. Access to database.**

27 (1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah



152 (A) enrolled in a licensed substance abuse treatment program; and

153 (B) receiving treatment from, or under the direction of, the mental health therapist as
 154 part of the patient's participation in the licensed substance abuse treatment program described
 155 in Subsection (2)(k)(i)(A);

156 (ii) the information is sought for the purpose of determining whether the patient is
 157 using a controlled substance while the patient is enrolled in the licensed substance abuse
 158 treatment program described in Subsection (2)(k)(i)(A); and

159 (iii) the licensed substance abuse treatment program described in Subsection
 160 (2)(k)(i)(A) is associated with a practitioner who:

161 (A) is a physician, a physician assistant, an advance practice registered nurse, or a
 162 pharmacist; and

163 (B) is available to consult with the mental health therapist regarding the information
 164 obtained by the mental health therapist, under this Subsection (2)(k), from the database;

165 ~~(h)~~ (m) an individual who is the recipient of a controlled substance prescription
 166 entered into the database, upon providing evidence satisfactory to the division that the
 167 individual requesting the information is in fact the individual about whom the data entry was
 168 made;

169 ~~(m)~~ (n) the inspector general, or a designee of the inspector general, of the Office of
 170 Inspector General of Medicaid Services, for the purpose of fulfilling the duties described in
 171 Title 63A, Chapter 13, Part 2, Office and Powers; and

172 ~~(n)~~ (o) the following licensed physicians for the purpose of reviewing and offering an
 173 opinion on an individual's request for workers' compensation benefits under Title 34A, Chapter
 174 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah Occupational Disease Act:

175 (i) a member of the medical panel described in Section 34A-2-601; or

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

177 (3) (a) ~~§→~~ (i) ~~←§~~ A practitioner described in Subsection (2)(e) may designate up to three
 178 employees to access information from the database under Subsection (2)(f), (2)(g), ~~§→~~ ~~(2)(i)~~ ~~←§~~
 178a or

179 (4)(c).

179a ~~§→~~ (ii) **A pharmacist described in Subsection (2)(h) who is a pharmacist-in-charge may**
 179b **designate up to three employees to access information from the database under Subsection**
 179c **(2)(i).** ~~←§~~

180 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
 181 Administrative Rulemaking Act, to:

182 (i) establish background check procedures to determine whether an employee