

Representative Edward H. Redd proposes the following substitute bill:

CONTROLLED SUBSTANCE DATABASE AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Edward H. Redd

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions of the Controlled Substance Database Act.

Highlighted Provisions:

This bill:

► requires the Division of Occupational and Professional Licensing to implement options for:

- real-time submission of data into the controlled substance database; and
- 24-hour daily or next business day batch submission of data;

► requires a pharmacist to comply with the real-time or 24-hour submission requirements on and after January 1, 2016;

⚡→ ► provides that a physician employed as medical director for a licensed workers' compensation insurer or an approved self-insured employer may have access to the database regarding requests for workers' compensation; ⚡←

- authorizes additional rulemaking authority;
- repeals provisions of a pilot program; and
- makes technical corrections.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2016:

► to the Department of Commerce - Division of Occupational and Professional Licensing - Controlled Substance Database, as ⚡→ ⚡→ [f] an ongoing [f] ⚡←

⚡→ [a one-time] ⚡← ⚡← appropriation:

- from the General Fund, ⚡→ ⚡→ [the one-time amount of] ⚡← ⚡← \$46,000.



243 pharmacist; and

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

246 (n) an individual who is the recipient of a controlled substance prescription entered into
247 the database, upon providing evidence satisfactory to the division that the individual requesting
248 the information is in fact the individual about whom the data entry was made;

249 (o) the inspector general, or a designee of the inspector general, of the Office of
250 Inspector General of Medicaid Services, for the purpose of fulfilling the duties described in
251 Title 63A, Chapter 13, Part 2, Office and Powers; and

252 (p) the following licensed physicians for the purpose of reviewing and offering an
253 opinion on an individual's request for workers' compensation benefits under Title 34A, Chapter
254 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah Occupational Disease Act:

255 (i) a member of the medical panel described in Section [34A-2-601](#);

255a **§→ (ii) a physician employed as medical director for a licensed workers' compensation**
255b **insurer or an approved self-insured employer; ←§ or**

256 **§→ [(ii)] (iii) ←§** a physician offering a second opinion regarding treatment.

257 (3) (a) (i) A practitioner described in Subsection (2)(f) may designate up to three
258 employees to access information from the database under Subsection (2)(g), (2)(h), or (4)(c).

259 (ii) A pharmacist described in Subsection (2)(i) who is a pharmacist-in-charge may
260 designate up to three employees to access information from the database under Subsection
261 (2)(j).

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

264 (i) establish background check procedures to determine whether an employee
265 designated under Subsection (2)(g), (2)(h), or (4)(c) should be granted access to the database;
266 and

267 (ii) establish the information to be provided by an emergency room employee under
268 Subsection (4).

269 (c) The division shall grant an employee designated under Subsection (2)(g), (2)(h), or
270 (4)(c) access to the database, unless the division determines, based on a background check, that
271 the employee poses a security risk to the information contained in the database.

272 (4) (a) An individual who is employed in the emergency room of a hospital may
273 exercise access to the database under this Subsection (4) on behalf of a licensed practitioner if

305 Section 3. **Repealer.**

306 This bill repeals:

307 Section ~~58-37f-801~~, **Pilot program for real-time reporting for controlled substance**
308 **database -- Statewide implementation.**

309 Section 4. **Appropriation.**

310 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
311 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money
312 are appropriated from resources not otherwise appropriated, or reduced from amounts
313 previously appropriated, out of the funds or accounts indicated. These sums of money are in
314 addition to any amounts previously appropriated for fiscal year 2016.

315 To Department of Commerce - Division of Occupational and Professional Licensing

316 From General Fund ~~→~~ ~~→~~ ~~[One-time]~~ ~~←~~ ~~←~~ \$46,000

317 Schedule of Programs:

318 Controlled Substance Database \$46,000

319 Section 5. **Effective date.**

320 This bill takes effect on July 1, 2015.