

1 **CONTROLLED SUBSTANCE PRESCRIPTION**

2 **NOTIFICATION**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Brad M. Daw**

6 **Senate Sponsor: Curtis S. Bramble**

7

LONG TITLE

8 **General Description:**

9 This bill modifies provisions regarding controlled substances.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ amends the Controlled Substance Database Act to allow a person for whom a
13 controlled substance is prescribed to designate a third party who is to be notified
14 when a controlled substance prescription is dispensed to the person;

15 **↗▶ allows the person to direct the division to discontinue providing the information;**

16 **▶ requires that the division advise the person that if the person discontinues the**
17 **notification, the third party will be advised of the discontinuance;**

18 **▶ requires that the division comply with the direction and also notify the third party of**
19 **the discontinuation; ↖↗** and

20 ▶ authorizes the division to make administrative rules to facilitate implementation of
21 this provision.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **58-37f-301**, as last amended by Laws of Utah 2015, Chapters 89, 326, and 336

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

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

H.B. 150



214 exercise access to the database under this Subsection (4) on behalf of a licensed practitioner if
 215 the individual is designated under Subsection (4)(c) and the licensed practitioner:

- 216 (i) is employed in the emergency room;
- 217 (ii) is treating an emergency room patient for an emergency medical condition; and
- 218 (iii) requests that an individual employed in the emergency room and designated under
 219 Subsection (4)(c) obtain information regarding the patient from the database as needed in the
 220 course of treatment.

221 (b) The emergency room employee obtaining information from the database shall,
 222 when gaining access to the database, provide to the database the name and any additional
 223 identifiers regarding the requesting practitioner as required by division administrative rule
 224 established under Subsection (3)(b).

225 (c) An individual employed in the emergency room under this Subsection (4) may
 226 obtain information from the database as provided in Subsection (4)(a) if:

227 (i) the employee is designated by the practitioner as an individual authorized to access
 228 the information on behalf of the practitioner;

229 (ii) the practitioner and the hospital operating the emergency room provide written
 230 notice to the division of the identity of the designated employee; and

231 (iii) the division:

232 (A) grants the employee access to the database; and

233 (B) provides the employee with a password that is unique to that employee to access
 234 the database in order to permit the division to comply with the requirements of Subsection
 235 58-37f-203(5) with respect to the employee.

236 (d) The division may impose a fee, in accordance with Section 63J-1-504, on a
 237 practitioner who designates an employee under Subsection (2)(g), (2)(h), or (4)(c) to pay for the
 238 costs incurred by the division to conduct the background check and make the determination
 239 described in Subsection (3)(b).

240 (5) (a) ~~Ĥ→~~ (i) ~~←Ĥ~~ An individual may request that the division ~~Ĥ→~~ [send] provide ~~←Ĥ~~
 240a the information under
 241 Subsection (5)(b) to a third party who is designated by the individual each time a controlled
 242 substance prescription for the individual is dispensed.

242a ~~Ĥ→~~ (ii) The division shall upon receipt of the request under this Subsection (5)(a)
 242b advise the individual in writing that the individual may direct the division to discontinue
 242c providing the information to a third party and that notice of the individual's direction to
 242d discontinue will be provided to the third party. ~~←Ĥ~~

243 (b) The information the division shall provide under Subsection (5)(a) is:

244 (i) the fact a controlled substance has been dispensed to the individual, but without

245 identifying the controlled substance; and

246 (ii) the date the controlled substance was dispensed.

246a **Ĥ→ (c) (i) An individual who has made a request under Subsection (5)(a) may direct that**
 246b **the division discontinue providing information to the third party.**

246c **(ii) The division shall:**

246d **(A) notify the third party that the individual has directed the division to no longer**
 246e **provide information to the third party; and**

246f **(B) discontinue providing information to the third party. ←Ĥ**

247 [~~5~~] (6) (a) An individual who is granted access to the database based on the fact that
 248 the individual is a licensed practitioner or a mental health therapist shall be denied access to the
 249 database when the individual is no longer licensed.

250 (b) An individual who is granted access to the database based on the fact that the
 251 individual is a designated employee of a licensed practitioner shall be denied access to the
 252 database when the practitioner is no longer licensed.

Legislative Review Note
Office of Legislative Research and General Counsel