

Section 1. Section **58-37f-203** is amended to read:

58-37f-203. Submission, collection, and maintenance of data.

(1) (a) The division shall implement on a statewide basis, including non-resident pharmacies as defined in Section **58-17b-102**, the following two options for a pharmacist to submit information:

(i) real-time submission of the information required to be submitted under this part to the controlled substance database; and

(ii) 24-hour daily or next business day, whichever is later, batch submission of the information required to be submitted under this part to the controlled substance database.

(b) ~~[(i)]~~ On and after January 1, 2016, a pharmacist shall comply with either:

~~[(A)]~~ (i) the submission time requirements established by the division under Subsection (1)(a)(i); or

~~[(B)]~~ (ii) the submission time requirements established by the division under Subsection (1)(a)(ii).

~~[(ii) Prior to January 1, 2016, a pharmacist may submit information using either option under this Subsection (1).]~~

(c) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code.

(2) (a) The pharmacist-in-charge and the pharmacist of the drug outlet where a controlled substance is dispensed shall submit the data described in this section to the division in accordance with:

(i) the requirements of this section;

(ii) the procedures established by the division;

(iii) additional types of information or data fields established by the division; and

(iv) the format established by the division.

(b) A dispensing medical practitioner licensed under Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, shall comply with the provisions of this section and the dispensing medical practitioner shall assume the duties of the pharmacist under this chapter.

(3) (a) The pharmacist-in-charge and the pharmacist described in Subsection (2)(b) shall, for each controlled substance dispensed by a pharmacist under the pharmacist's supervision ~~Ĥ→~~ **[other than those]** ~~←Ĥ~~ **[dispensed for an inpatient]** ~~Ĥ→~~ **[administered for a patient at a health]** ~~←Ĥ~~

Ĥ→ [care facility] ←Ĥ, submit to the division any type of information or data field established by the division by rule in accordance with Subsection (6) regarding:

(i) each controlled substance that is dispensed by the pharmacist or under the pharmacist's supervision; and

(ii) each noncontrolled substance that is:

(A) designated by the division under Subsection (8)(a); and

(B) dispensed by the pharmacist or under the pharmacist's supervision.

(b) Subsection (3)(a) does not apply to a drug that is **Ĥ→ [†] dispensed for [†] ←Ĥ [an inpatient]**

Ĥ→ [administered] administration ←Ĥ to Ĥ→ , or use by, ←Ĥ a patient at a health care facility.

(4) An individual whose records are in the database may obtain those records upon submission of a written request to the division.

(5) (a) A patient whose record is in the database may contact the division in writing to request correction of any of the patient's database information that is incorrect. The patient shall provide a postal address for the division's response.

(b) The division shall grant or deny the request within 30 days from receipt of the request and shall advise the requesting patient of its decision by mail postmarked within 35 days of receipt of the request.

(c) If the division denies a request under this Subsection (5) or does not respond within 35 days, the patient may submit an appeal to the Department of Commerce, within 60 days after the postmark date of the patient's letter making a request for a correction under this Subsection (5).

(6) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish submission requirements under this part, including:

(a) electronic format;

(b) submission procedures; and

(c) required information and data fields.

(7) The division shall ensure that the database system records and maintains for reference:

(a) the identification of each individual who requests or receives information from the database;

307 ~~[(ii) A pharmacist described in Subsection (2)(k) who is a pharmacist-in-charge may~~
 308 ~~designate up to five employees to access information from the database under Subsection~~
 309 ~~(2)(i).]~~

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

312 (i) establish background check procedures to determine whether an employee
 313 designated under Subsection (2)(i), (2)(j), or (4)(c) should be granted access to the database;
 314 and

315 (ii) establish the information to be provided by an emergency department employee
 316 under Subsection (4); and

317 (iii) facilitate providing controlled substance prescription information to a third party
 318 under Subsection (5).

319 (c) The division shall grant an employee designated under Subsection (2)(i), (2)(j), or
 320 (4)(c) access to the database, unless the division determines, based on a background check, that
 321 the employee poses a security risk to the information contained in the database.

322 (4) (a) An individual who is employed in the emergency department of a hospital may
 323 exercise access to the database under this Subsection (4) on behalf of a licensed practitioner if
 324 the individual is designated under Subsection (4)(c) and the licensed practitioner:

325 (i) is employed or privileged to work in the emergency department;

326 (ii) is treating an emergency department patient for an emergency medical condition;

327 and

328 (iii) requests that an individual employed in the emergency department and designated
 329 under Subsection (4)(c) obtain information regarding the patient from the database as needed in
 330 the course of treatment.

331 (b) The emergency department employee obtaining information from the database
 332 shall, when gaining access to the database, provide to the database the name and any additional
 333 identifiers regarding the requesting practitioner as required by division administrative rule
 334 established under Subsection (3)(b).

335 (c) An individual employed in the emergency department under this Subsection (4)
 336 may obtain information from the database as provided in Subsection (4)(a) if:

337 (i) the employee is designated by the ~~§~~→ [practitioner] hospital ←~~§~~ as an individual
 337a authorized to access

the information on behalf of the ~~§~~→ emergency department ~~←~~§ practitioner;

(ii) ~~§~~→ [the practitioner and] ~~←~~§ the hospital operating the emergency department provide written notice to the division of the identity of the designated employee; and

(iii) the division:

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

(B) provides the employee with a password that is unique to that employee to access the database ~~§~~→ [in order to permit the division to comply with the requirements of Subsection 58-37f-203(5) with respect to the employee] ~~←~~§ .

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

(5) (a) (i) An individual may request that the division provide the information under Subsection (5)(b) to a third party who is designated by the individual each time a controlled substance prescription for the individual is dispensed.

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

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

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

(ii) the date the controlled substance was dispensed.

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

(ii) The division shall:

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

(B) discontinue providing information to the third party.

(6) (a) An individual who is granted access to the database based on the fact that the individual is a licensed practitioner or a mental health therapist shall be denied access to the