



**MURIEL BOWSER**  
**MAYOR**

September 16, 2022

The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W.  
Suite 504  
Washington, D.C. 20004

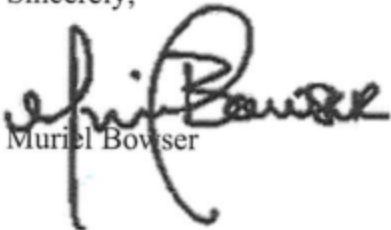
Dear Chairman Mendelson:


Enclosed for consideration and enactment by the Council of the District of Columbia is a bill entitled the "Prescription Drug Monitoring Program Amendment Act of 2022." This legislation will amend the Prescription Drug Monitoring Program Act of 2013 to expand the authority of the Director of the Department of Health to disclose information related to the prescribing and dispensing of covered substances. Specifically, the bill will authorize the Director to disclose aggregate and summary data that has been processed to remove personal identifiers, to public or private entities for statistical, research, educational, or grant applications purposes and to disclose information for the purpose of public health surveillance to designated employees of the Department of Health's Center for Policy, Planning, and Evaluation. The bill will also authorize the the Director to charge a fee to offset the operational costs of disclosing certain information under the Prescription Drug Monitoring Program Act of 2013.

The amendments made by this bill will bring the District's Prescription Drug Monitoring Program more in line with other states and allow the Director greater ability to disclose redacted, aggregate and summary data to serve the public interest.

I urge the Council to take prompt and favorable action on the enclosed bill.

Sincerely,

  
Muriel Bowser

  
Chairman Phil Mendelson  
at the request of the Mayor

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7 A BILL  
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11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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15 To amend the Prescription Drug Monitoring Program Act of 2013 to expand the authority  
16 of the Director of the Department of Health to disclose information related to the  
17 prescribing and dispensing of covered substances and to authorize the Director to  
18 charge a fee to offset the operational costs of disclosing certain information  
19 related to the prescribing and dispensing of covered substances.  
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21 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

22 That this act may be cited as the "Prescription Drug Monitoring Program Amendment  
23 Act of 2022".

24 Sec. 2. Section 6(c) of the Prescription Drug Monitoring Program Act of 2013,  
25 effective February 22, 2014 (D.C. Law 20-66; D.C. Official Code § 48-853.05(c)), is  
26 amended as follows:

27 (a) Paragraph (1) is amended as follows:

28 (1) Subparagraph (F) is amended by striking the phrase "; and" and  
29 inserting a semicolon in its place.

30 (2) Subparagraph (G) is amended by striking the phrase "this act." and  
31 inserting the phrase "this act;" in its place.

32 (3) New subparagraphs (H) and (I) are added to read as follows:

1                   “(H) Aggregate and summary data that has been processed to  
2 remove information that could be used to identify individual patients, prescribers, or  
3 dispensers to public or private entities for statistical, research, educational, or grant  
4 application purposes; and”

5                   “(I) Information for the purpose of public health surveillance to  
6 employees of the Department’s Center for Policy, Planning, and Evaluation; provided,  
7 that:

8                                 “(i) Data elements that would identify a specific patient,  
9 prescriber, or dispenser shall be deleted or redacted from the information before  
10 disclosure; and

11                                 “(ii) Release of the information shall only be made  
12 pursuant to a written agreement between employees of the Center for Policy, Planning,  
13 and Evaluation and the Director to ensure compliance with this act.”.

14           (b) A new paragraph (3) is added to read as follows:

15                                 “(3) The Director may charge a fee to offset the operational costs of  
16 disclosing information under paragraph (1)(G) and (H) of this subsection  
17 to include without limitation the costs of reaching an agreement on data sharing and  
18 monitoring compliance with that agreement, as well the costs of data searching,  
19 aggregation, anonymizing, sampling, and cleaning.”

20           Sec. 3. Fiscal impact statement.

21           The Council adopts the fiscal impact statement of the Chief Financial Officer as  
22 the fiscal impact statement required by section 4a of the General Legislative Procedures

1 Act of 1975, approved October 16, 2006, (120 Stat. 2038; D.C. Official Code § 1-  
2 301.47a).

3 Sec. 4. Effective date.

4 This act shall take effect following approval by the Mayor (or in the event of veto  
5 by the mayor, action by the Council to override the veto), a 30-day period of  
6 Congressional review as provided in section 602(c)(1) of the District of Columbia Home  
7 Rule Act of 1973, as amended, approved December 24, 1973, (87 Stat. 813; D.C. Official  
8 Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Attorney General



Legal Counsel Division

**MEMORANDUM**

**TO:** Bryan Hum  
Director  
Office of Policy and Legislative Affairs

**FROM:** Brian K. Flowers  
Deputy Attorney General  
Legal Counsel Division

**DATE:** August 2, 2022

**RE:** Legal Sufficiency Certification of Draft Legislation, the "Prescription Drug  
Monitoring Program Amendment Act of 2022"  
(AE-21-145 C)

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**This is to Certify that** this Office has reviewed the above-referenced draft legislation and found it to be legally unobjectionable. If you have any questions, please do not hesitate to call me at 724-5524.

*Brian K. Flowers*

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Brian K. Flowers

Government of the District of Columbia  
Office of the Chief Financial Officer



Glen Lee  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Glen Lee  
Chief Financial Officer 

**DATE:** August 31, 2022

**SUBJECT:** Fiscal Impact Statement – Prescription Drug Monitoring Program  
Amendment Act of 2022

**REFERENCE:** Draft Introduction as provided to the Office of Revenue Analysis on  
August 23, 2022

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**Conclusion**

Funds are sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill.

**Background**

The District's Department of Health (DC Health) operates a Prescription Drug Monitoring Program (PDMP) that requires certain dispensers (e.g., retail pharmacists) of covered drugs to report certain information on the patient, prescriber, and prescription. PDMP aims to identify and reduce diversion of prescription drugs and enhance patient care by providing information that assures legitimate use of controlled substances.

The bill allows<sup>1</sup> DC Health to disclose aggregate and summary PDMP data that has been processed to remove information that could be used to identify individual patients, prescribers, or dispensers to public or private entities for statistical, research, educational, or grant application purposes. The bill further allows DC Health to charge a fee to offset the costs of reaching an agreement on data sharing

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<sup>1</sup> By amending Section 6(c) of the Prescription Drug Monitoring Program Act of 2013, effective February 22, 2014 (D.C. Law 20-66; D.C. Official Code § 48-853.05(c)).



The Honorable Phil Mendelson

FIS: "Prescription Drug Monitoring Program Amendment Act of 2022," Draft Introduction as provided to the Office of Revenue Analysis on August 23, 2022

and monitoring compliance with that agreement, as well the costs of data searching, aggregation, anonymizing, sampling, and cleaning.

**Financial Plan Impact**

Funds are sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. Any costs that result from disclosing aggregate and summary PDMP data to public or private entities for statistical, research, educational, or grant application purposes will be offset by fees charged by DC Health. No additional resources are required to implement the bill.