

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 569

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO UNIFORM CONTROLLED SUBSTANCES; AMENDING SECTION 37-2726, IDAHO
2 CODE, TO REVISE A PROVISION RELATING TO THE DESCRIPTION OF CONTROLLED
3 SUBSTANCES.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 37-2726, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 37-2726. FILING PRESCRIPTIONS -- DATABASE. (1) All controlled sub-
9 stances ~~prescriptions~~ dispensed for humans shall be filed with the board
10 electronically in a format established by the board or by other method as
11 required by board rule. The board may require the filing of other prescrip-
12 tions by board rule. The board shall establish by rule the information to be
13 submitted pursuant to the purposes of this section and the purposes set forth
14 in section 37-2730A, Idaho Code.

15 (2) The board shall create, operate and maintain a controlled sub-
16 stances prescriptions database containing the information submitted
17 pursuant to subsection (1) of this section, to be used for the purposes
18 and subject to the terms, conditions and immunities described in section
19 37-2730A, Idaho Code. The database information must be made available only
20 to the following:

21 (a) Authorized individuals employed by the boards responsible for con-
22 ducting investigations related to the licensing and discipline of prac-
23 titioners;

24 (b) Peace officers employed by federal, state and local law enforcement
25 agencies engaged as a specified duty of their employment in enforcing
26 law regulating controlled substances;

27 (c) Authorized individuals under the direction of the department of
28 health and welfare for the purpose of monitoring and enforcing that
29 department's responsibilities under the public health, medicare and
30 medicaid laws;

31 (d) A licensed practitioner having authority to prescribe controlled
32 substances, to the extent the information relates specifically to a
33 current patient of the practitioner, to whom the practitioner is pre-
34 scribing or considering prescribing any controlled substance;

35 (e) A licensed pharmacist having authority to dispense controlled sub-
36 stances to the extent the information relates specifically to a current
37 patient to whom that pharmacist is dispensing or considering dispensing
38 any controlled substance;

39 (f) An individual who is the recipient of a controlled substance pre-
40 scription entered into the database or that individual's attorney, upon
41 providing evidence satisfactory to the board that the individual re-

1 questing the information is in fact the person about whom the data entry
2 was made or the attorney for that person;

3 (g) Upon the lawful order of a court of competent jurisdiction; and

4 (h) Prosecuting attorneys, deputy prosecuting attorneys and special
5 prosecutors of a county or city and special assistant attorneys general
6 from the office of the attorney general engaged in enforcing law regu-
7 lating controlled substances.

8 (3) The board must maintain records on the information disclosed from
9 the database, including:

10 (a) The identification of each individual who requests or receives in-
11 formation from the database and who that individual represents;

12 (b) The information provided to each such individual; and

13 (c) The date and time the information is requested or provided.

14 (4) The board shall promulgate rules to ensure that only authorized in-
15 dividuals have access to the database.

16 (5) Any person who knowingly misrepresents to the board that he is a
17 person entitled under subsection (2) of this section to receive information
18 from the controlled substances prescriptions database under the conditions
19 therein provided, and who receives information from the controlled sub-
20 stances prescriptions database resulting from that misrepresentation shall
21 be guilty of a misdemeanor, punishable by imprisonment in a county jail not
22 to exceed six (6) months, or by a fine not to exceed two thousand dollars
23 (\$2,000), or both. The foregoing criminal penalty is in addition to, and not
24 in lieu of, any other civil or administrative penalty or sanction authorized
25 by law.

26 (6) Any person in possession, whether lawfully or unlawfully, of infor-
27 mation from the controlled substances prescriptions database which identi-
28 fies an individual patient and who knowingly discloses such information to
29 a person not authorized to receive or use such information under any state
30 or federal law, rule or regulation; the lawful order of a court of compe-
31 tent jurisdiction; or written authorization of the individual patient shall
32 be guilty of a misdemeanor, punishable by imprisonment in a county jail not
33 to exceed six (6) months, or by a fine not to exceed two thousand dollars
34 (\$2,000), or both. The foregoing criminal penalty is in addition to, and not
35 in lieu of, any other civil or administrative penalty or sanction authorized
36 by law. The provisions of this subsection shall not apply to disclosure of
37 individual patient information by the patient himself. The provisions of
38 this subsection shall not apply to disclosure of information by a prosecut-
39 ing attorney, deputy prosecuting attorney or special prosecutor of a county
40 or city or by a special assistant attorney general from the office of the at-
41 torney general in the course of a criminal proceeding, whether preconviction
42 or postconviction.

43 (7) All costs associated with recording and submitting data as required
44 in this section are assumed by the dispensing practitioner recording and
45 submitting the data.

46 (8) The definitions set forth in section 37-2701, Idaho Code, shall ap-
47 ply to this section.