STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 693 By: Griffin

AS INTRODUCED

An Act relating to the Anti-Drug Diversion Act; amending 63 O.S. 2011, Section 2-309D, as last amended by Section 22, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section 2-309D), which relates to central repository information; deleting obsolete language; permitting certain persons to access certain information; permitting disclosure of certain information for certain purposes; requiring certain persons to access central repository information for certain purposes; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-309D, as last amended by Section 22, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section 2-309D), is amended to read as follows:

Section 2-309D. A. The information collected at the central repository pursuant to the Anti-Drug Diversion Act shall be confidential and shall not be open to the public. Access to the information shall be limited to:

1. Peace officers certified pursuant to Section 3311 of Title 70 of the Oklahoma Statutes who are employed as investigative agents

of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

2. The United States Drug Enforcement Administration Diversion Group Supervisor;

3. The executive director or chief investigator, as designated by each board, of the following state boards:

a. Board of Podiatric Medical Examiners,

b. Board of Dentistry,

c. State Board of Pharmacy,

d. State Board of Medical Licensure and Supervision,

e. State Board of Osteopathic Examiners,

f. State Board of Veterinary Medical Examiners,

g. Oklahoma Health Care Authority,

h. Department of Mental Health and Substance Abuse Services, and

i. State Board of Health;

provided, however, that the executive director or chief investigator of each of these boards shall be limited to access to information relevant to licensees of the employing board of such executive director or chief investigator;

4. A multicounty grand jury properly convened pursuant to the Multicounty Grand Jury Act; ~~and~~

5. The Department of Mental Health and Substance Abuse Services and the State Department of Health for statistical, research,

substance abuse prevention or educational purposes provided that the consumer's confidentiality is not compromised; and

6. At the discretion of the Director of Narcotics and Dangerous Drugs Control, medical practitioners and their staff, including those employed by the federal government within this state.

B. This section shall not prevent access, at the discretion of the Director ~~of the Oklahoma Bureau~~ of Narcotics and Dangerous Drugs Control, to investigative information by peace officers and investigative agents of federal, state, county or municipal law enforcement agencies, district attorneys and the Attorney General in furtherance of criminal investigations or prosecutions within their respective jurisdictions, and to registrants in furtherance of efforts to guard against the diversion of controlled dangerous substances.

C. This section shall not prevent the disclosure, at the discretion of the Director ~~of the Oklahoma State Bureau~~ of Narcotics and Dangerous Drugs Control, of statistical information gathered from the central repository to the general public which shall be limited to types and quantities of controlled substances dispensed and the county where dispensed.

D. This section shall not prevent the disclosure, at the discretion of the Director ~~of the Oklahoma State Bureau~~ of Narcotics and Dangerous Drugs Control, of prescription-monitoring-program

information to prescription-monitoring programs of other states provided a reciprocal data-sharing agreement is in place.

E. Any unauthorized disclosure of any information collected at the central repository provided by the Anti-Drug Diversion Act shall be a misdemeanor. Violation of the provisions of this section shall be deemed willful neglect of duty and shall be grounds for removal from office.

F. Registrants shall not be liable to any person for any claim of damages as a result of accessing or failing to access the information in the central repository and no lawsuit may be predicated thereon.

G. Information regarding nonfatal overdoses, other than statistical information as required by Section 2-106 of this title, shall be completely confidential. Access to this information shall be strictly limited to the Director ~~of the Oklahoma State Bureau~~ of Narcotics and Dangerous Drugs Control or designee, the Chief Medical Examiner, and the registrant that enters the information. Registrants shall not be liable to any person for a claim of damages for information reported pursuant to the provisions of Section 2-105 of this title.

H. Upon completion of an investigation in which it is determined that a death was caused by an overdose, either intentionally or unintentionally, of a controlled dangerous substance, the medical examiner shall be required to report the

decedent's name and date of birth to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall be required to maintain a database containing the classification of medical practitioners who prescribed or authorized controlled dangerous substances pursuant to this subsection.

I. 1. Registrants shall have access to the central repository for the purposes of patient treatment and for determination in prescribing or screening new patients. The patient's history may be disclosed to the patient for the purposes of treatment or information at the discretion of the physician.

2. Prior to prescribing or authorizing for refill of all hydrocodone products, all oxycodone products, all benzodiazepines, diazepam, carisiprodal or ultram to the patient of record, registrants or members of their medical or administrative staff shall access and verify the information in the central repository to assess medical necessity and the possibility that the patient may be unlawfully obtaining prescription drugs in violation of the Uniform Controlled Dangerous Substances Act.

SECTION 2. This act shall become effective November 1, 2015.

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