

**2014 -- S 2523 SUBSTITUTE A**

=====  
LC004341/SUB A  
=====

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2014**

—————  
A N A C T

RELATING TO FOOD AND DRUGS - UNIFORM CONTROLLED SUBSTANCES ACT

Introduced By: Senators Ottiano, Lombardi, Nesselbush, Satchell, and Felag

Date Introduced: February 27, 2014

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 21-28-3.32 of the General Laws in Chapter 21-28 entitled "Uniform  
2   Controlled Substances Act" is hereby amended to read as follows:

3           **21-28-3.32. Electronic prescription database.** -- (a) The information contained in any  
4   prescription drug monitoring database maintained by the department of health pursuant to section  
5   3.18 of this chapter shall be disclosed only:

6           (1) To a practitioner who certifies that the requested information is for the purpose of  
7   evaluating the need for or providing medical treatment for a current patient to whom the  
8   practitioner is prescribing or considering prescribing a controlled substance;

9           (2) To a pharmacist who certifies that the requested information is for a current client to  
10   whom the pharmacist is dispensing or considering dispensing a controlled substance;

11           (3) To an authorized designee of the practitioner and/or pharmacist to consult the  
12   prescription drug monitoring database on the practitioner and/or pharmacist's behalf, provided  
13   that:

14           (i) The designee so authorized is employed by the same professional practice or  
15   pharmacy;

16           (ii) The practitioner or pharmacist takes reasonable steps to ensure that such designee is  
17   sufficiently competent in the use of the database;

18           (iii) The practitioner or pharmacist remains responsible for ensuring that access to the  
19   database by the designee is limited to authorized purposes as provided for in subsections (a)(1)

1 and (a)(2) of this section:

2 (iv) The practitioner or pharmacist remains responsible for ensuring access to the  
3 database by the designee occurs in a manner that protects the confidentiality of information  
4 obtained from the database, and remains responsible for any breach of confidentiality;

5 (v) The practitioner or pharmacist terminates the designee's access to the database at the  
6 termination of the designee's employment; and

7 (vi) The ultimate decision as to whether or not to prescribe or dispense a controlled  
8 substance remains with the practitioner or pharmacist and is reasonably informed by the relevant  
9 controlled substance history information obtained from the database.

10 ~~(3)~~(4) Pursuant to a valid search warrant based on probable cause to believe a violation  
11 of federal or state criminal law has occurred and that specified information contained in the  
12 database would assist in the investigation of the crime;

13 ~~(4)~~(5) To a patient who requests his or her own prescription information, or the parent or  
14 legal guardian of a minor child who requests the minor child's prescription information;

15 ~~(5)~~(6) To a health professional regulatory board that documents, in writing, that the  
16 requested information is necessary for an investigation related to licensure, renewal or  
17 disciplinary action involving the applicant, licensee or registrant to whom the requested  
18 information pertains;

19 ~~(6)~~(7) To any vendor or contractor with whom the department has contracted to establish  
20 or maintain the electronic system of the prescription drug monitoring database; or

21 ~~(7)~~(8) To public or private entities for statistical, research, or educational purposes, after  
22 removing the patient and prescriber information that could be used to identify individual patients.  
23 This shall not include entities receiving a waiver from the institutional review board.

24 (b) Information stored in the prescription drug monitoring database shall include only the  
25 following:

26 (1) Patient's first and last name, and/or patient identification number; provided, however,  
27 the patient's social security number shall not be recorded in whole or in part, patient sex, patient  
28 date of birth, and patient address;

29 (2) Prescribing practitioner's name and drug enforcement administration prescriber  
30 information number;

31 (3) Prescribing practitioner's office or hospital contact information;

32 (4) Prescription name, prescription number, prescription species code, national drug code  
33 number, prescription dosage, prescription quantity, days' supply, new-refill code, number of  
34 refills authorized, date the prescription was written, date the prescription was filled, payment

1 type; provided, however, no credit card number shall be recorded in whole or in part; and

2 (5) The drug enforcement administration pharmacy number of the pharmacy filling the  
3 prescription.

4 (c) The department shall disclose any information relating to a patient maintained in the  
5 prescription drug monitoring database to that patient, at no cost to the patient, within thirty (30)  
6 business days after the department receives a written request from the patient for the information.  
7 This information shall include the records maintained by the department pursuant to subsection  
8 (e). Notwithstanding the above, the department may, at the request of the law enforcement  
9 agency, withhold for up to sixty (60) days following the conclusion of a law enforcement  
10 investigation, the disclosure to the patient that information has been obtained pursuant to  
11 subdivision (a)(3).

12 (d) A patient may request from the dispensing pharmacy correction of any inaccurate  
13 information contained within the prescription drug monitoring database in accordance with the  
14 procedure specified by subsection 5-37.3-5(c).

15 (e) The department shall, for the period of time that prescription information is  
16 maintained, maintain records of the information disclosed through the prescription drug  
17 monitoring database, including, but not limited to:

18 (1) The identity of each person who requests or receives information from the  
19 prescription drug monitoring database and the organization, if any, the person represents;

20 (2) The information released to each person or organization and the basis for its release  
21 under subsection (a); and

22 (3) The dates the information was requested and provided.

23 (f) Prescription information contained within the prescription drug monitoring database  
24 shall be removed no later than five (5) years from the date the information is entered into the  
25 database. Records in existence prior to the enactment of this section shall be removed no later  
26 than ten (10) years from the date the information is entered into the database.

27 (g) The department shall promptly notify any affected individual of an improper  
28 disclosure of information from the prescription drug monitoring database or a breach in the  
29 security of the prescription drug monitoring database that poses a significant risk of disclosure of  
30 patient information to an unauthorized individual.

31 (h) At the time of signing a prescription which is required by the department to be  
32 entered into the prescription drug monitoring database, the prescribing practitioner shall inform  
33 the patient in writing of the existence of the prescription drug monitoring database, the patient's  
34 right to access their own prescription information, and the name and contact information of the

1 agency operating the program.

2 (i) No person shall access information in the prescription monitoring database except to  
3 the extent and for the purposes authorized by subsection (a).

4 (j) In any civil action allowing a violation of this chapter, the court may award damages,  
5 including punitive damages, and reasonable attorneys' fees and costs to a prevailing plaintiff, and  
6 injunctive and any other appropriate relief.

7 (k) Any pharmacist who, in his or her professional judgment, refuses to fill a prescription  
8 based on information contained within the prescription drug monitoring database shall inform the  
9 prescribing physician within twenty-four (24) hours.

10 (l) All practitioners shall, as a condition of the initial registration or renewal of the  
11 practitioner's authority to prescribe controlled substances, register with the prescription drug  
12 monitoring database maintained by the department of health.

13 SECTION 2. This act shall take effect upon passage.

=====  
LC004341/SUB A  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO FOOD AND DRUGS - UNIFORM CONTROLLED SUBSTANCES ACT

\*\*\*

1           This act would permit an authorized designee of a practitioner and/or pharmacist to  
2 access the information contained in any prescription drug monitoring database maintained by the  
3 department of health provided certain conditions were met. It would further require practitioners  
4 to register with the prescription drug monitoring database, upon initial registration or renewal of  
5 the practitioner's authority to prescribe controlled substances.

6           This act would take effect upon passage.

=====  
LC004341/SUB A  
=====