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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 who is qualified to
12 access the information in accordance with rules promulgated by the department of health.

13 ~~(3)~~(4) Pursuant to a valid search warrant based on probable cause to believe a violation
14 of federal or state criminal law has occurred and that specified information contained in the
15 database would assist in the investigation of the crime;

16 ~~(4)~~(5) To a patient who requests his or her own prescription information, or the parent or
17 legal guardian of a minor child who requests the minor child's prescription information;

18 ~~(5)~~(6) To a health professional regulatory board that documents, in writing, that the
19 requested information is necessary for an investigation related to licensure, renewal or

1 disciplinary action involving the applicant, licensee or registrant to whom the requested
2 information pertains;

3 ~~(6)~~(7) To any vendor or contractor with whom the department has contracted to establish
4 or maintain the electronic system of the prescription drug monitoring database; or

5 ~~(7)~~(8) To public or private entities for statistical, research, or educational purposes, after
6 removing the patient and prescriber information that could be used to identify individual patients.
7 This shall not include entities receiving a waiver from the institutional review board.

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

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

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

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

16 (4) Prescription name, prescription number, prescription species code, national drug code
17 number, prescription dosage, prescription quantity, days' supply, new-refill code, number of
18 refills authorized, date the prescription was written, date the prescription was filled, payment
19 type; provided, however, no credit card number shall be recorded in whole or in part; and

20 (5) The drug enforcement administration pharmacy number of the pharmacy filling the
21 prescription.

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

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

33 (e) The department shall, for the period of time that prescription information is
34 maintained, maintain records of the information disclosed through the prescription drug

1 monitoring database, including, but not limited to:

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

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

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

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

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

15 (h) At the time of signing a prescription which is required by the department to be
16 entered into the prescription drug monitoring database, the prescribing practitioner shall inform
17 the patient in writing of the existence of the prescription drug monitoring database, the patient's
18 right to access their own prescription information, and the name and contact information of the
19 agency operating the program.

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

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

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

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

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

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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, who is
2 qualified, to access the information contained in any prescription drug monitoring database
3 maintained by the department of health. It would further require practitioners to register with the
4 prescription drug monitoring database, upon initial registration or renewal of the practitioner's
5 authority to prescribe controlled substances.

6 This act would take effect upon passage.

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