

**HB 1850 - H AMD 126**

By Representative Pedersen

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 69.41 RCW  
4 to read as follows:

5 (1)(a) Except as provided in (b) of this subsection, health care  
6 information relating to prescription information that contains  
7 patient-identifiable and prescriber-identifiable data shall not be  
8 transferred, used, or sold by any: Pharmacy benefits manager;  
9 insurance company; electronic transmission intermediary; retail, mail  
10 order, or internet pharmacy; or other similar entity, for the purposes  
11 of advertising, marketing, promotion, or any other activity, a  
12 significant purpose of which is to influence sales or market share of  
13 a pharmaceutical product.

14 (b) A prescriber may authorize the transfer, use, or sale of his or  
15 her prescriber-identifiable data in writing, or electronically, if the  
16 prescriber has transmitted the authorization to an entity that (i) is  
17 involved in the transfer, sale, or use of prescriber-identifiable data,  
18 (ii) has designated an address, location, or system to which  
19 authorization may be transmitted electronically or in writing, and  
20 (iii) has established a process for prescribers to revoke their  
21 authorization in writing or electronically upon reasonable notice to  
22 the entity.

23 (2) This section does not restrict the licensure, transfer, use, or  
24 sale of prescription information containing patient-identifiable and  
25 prescriber-identifiable information for the purposes of:

26 (a) Pharmacy reimbursement;

27 (b) Formulary compliance;

28 (c) Care management related to the diagnosis, treatment, or  
29 management of illness for a specific patient;

1 (d) Utilization review by a health care provider, the patient's  
2 insurance provider, or the agent of either provider;

3 (e) Health care research including, but not limited to,  
4 postmarketing surveillance research, drug interaction research, drug  
5 safety studies, and population-based public health research;

6 (f) Collection and analysis of prescription drug utilization data  
7 for health care quality improvement purposes, including development of  
8 evidence-based treatment guidelines or health care performance  
9 effectiveness and efficiency measures, promoting compliance with  
10 evidence-based treatment guidelines or health care performance  
11 measures, and providing prescribers with information that details their  
12 practices relative to their peers to encourage prescribing consistent  
13 with evidence-based practice;

14 (g) Collection and dissemination of drug utilization data to  
15 promote transparency in evaluating performance related to the health  
16 care quality improvement measures included in (f) of this subsection;

17 (h) The transfer of prescription drug utilization data to and  
18 through secure electronic health record or personal health record  
19 systems;

20 (i) Communication with prescribers related specifically to drug  
21 recall notices, drug labeling changes, or other drug safety notices  
22 issued by the federal food and drug administration; or

23 (j) As otherwise expressly provided by law.

24 (3) This section does not prohibit:

25 (a) The dispensing of prescription medications to a patient or to  
26 the patient's authorized representative; the transmission of  
27 prescription information between an authorized prescriber and a  
28 licensed pharmacy; the transfer of prescription information between  
29 licensed pharmacies; the transfer of prescription records that may  
30 occur if pharmacy ownership is changed or transferred; or care  
31 management educational communications provided to a patient about the  
32 patient's health condition, adherence to a prescribed course of  
33 therapy, or other information about the drug being dispensed, treatment  
34 options, or clinical trials; or

35 (b) The collection, use, transfer, or sale of patient and  
36 prescriber deidentified data by zip code, geographic region, or medical  
37 specialty for commercial purposes.

1           (4) In addition to other appropriate remedies under this chapter,  
2 the legislature finds that the practices covered by this section are  
3 matters vitally affecting the public interest for the purpose of  
4 applying chapter 19.86 RCW. A violation of this section is not  
5 reasonable in relation to the development and preservation of business  
6 and is an unfair or deceptive act in trade or commerce and an unfair  
7 method of competition for the purpose of applying chapter 19.86 RCW."

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