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HOUSE BILL 1593

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State of Washington

63rd Legislature

2013 Regular Session

By Representatives Jenkins, Angel, Kagi, Rodne, Cody, Clibborn, Riccelli, Moeller, Ryu, Pollet, and Morrell

Read first time 01/31/13. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to providing access to the prescription drug  
2 monitoring database for clinical laboratories; amending RCW 70.225.040;  
3 and adding a new section to chapter 70.225 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.225.040 and 2011 1st sp.s. c 15 s 87 are each  
6 amended to read as follows:

7 (1) Prescription information submitted to the department shall be  
8 confidential, in compliance with chapter 70.02 RCW and federal health  
9 care information privacy requirements and not subject to disclosure,  
10 except as provided in subsections (3) and (4) of this section.

11 (2) The department shall maintain procedures to ensure that the  
12 privacy and confidentiality of patients and patient information  
13 collected, recorded, transmitted, and maintained is not disclosed to  
14 persons except as in subsections (3) and (4) of this section.

15 (3) The department may provide data in the prescription monitoring  
16 program to the following persons:

17 (a) Persons authorized to prescribe or dispense controlled  
18 substances, for the purpose of providing medical or pharmaceutical care  
19 for their patients;

1 (b) An individual who requests the individual's own prescription  
2 monitoring information;

3 (c) Health professional licensing, certification, or regulatory  
4 agency or entity;

5 (d) Appropriate local, state, and federal law enforcement or  
6 prosecutorial officials who are engaged in a bona fide specific  
7 investigation involving a designated person;

8 (e) Authorized practitioners of the department of social and health  
9 services and the health care authority regarding medicaid program  
10 recipients;

11 (f) The director or director's designee within the department of  
12 labor and industries regarding workers' compensation claimants;

13 (g) The director or the director's designee within the department  
14 of corrections regarding offenders committed to the department of  
15 corrections;

16 (h) Other entities under grand jury subpoena or court order;  
17 ((and))

18 (i) Personnel of the department for purposes of administration and  
19 enforcement of this chapter or chapter 69.50 RCW; and

20 (j) Personnel of a test site that meets the standards under  
21 subsection (2) of this section pursuant to an agreement between the  
22 test site and a person identified in (a) of this subsection to provide  
23 assistance in determining which medications are being used by an  
24 identified patient who is under the care of that person.

25 (4) The department may provide data to public or private entities  
26 for statistical, research, or educational purposes after removing  
27 information that could be used to identify individual patients,  
28 dispensers, prescribers, and persons who received prescriptions from  
29 dispensers.

30 (5) A dispenser or practitioner acting in good faith is immune from  
31 any civil, criminal, or administrative liability that might otherwise  
32 be incurred or imposed for requesting, receiving, or using information  
33 from the program.

34 NEW SECTION. Sec. 2. A new section is added to chapter 70.225 RCW  
35 to read as follows:

36 Test sites that may receive access to data in the prescription  
37 monitoring program under RCW 70.225.040 must be:

1           (1) Licensed by the department as a test site under chapter 70.42  
2 RCW; and

3           (2) Certified as a drug testing laboratory by the United States  
4 department of health and human services, substance abuse mental health  
5 services administration.

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