

SSB 5027 - H COMM AMD

By Committee on Health Care & Wellness

ADOPTED 4/8/2015

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

3 "Sec. 1. RCW 70.225.040 and 2011 1st sp.s. c 15 s 87 are each  
4 amended to read as follows:

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

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

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

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

20 (b) An individual who requests the individual's own prescription  
21 monitoring information;

22 (c) Health professional licensing, certification, or regulatory  
23 agency or entity;

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

27 (e) Authorized practitioners of the department of social and  
28 health services and the health care authority regarding medicaid  
29 program recipients;

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

1 (g) The director or the director's designee within the department  
2 of corrections regarding offenders committed to the department of  
3 corrections;

4 (h) Other entities under grand jury subpoena or court order;  
5 ((and))

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

8 (j) Personnel of a test site that meet the standards under  
9 section 2 of this act pursuant to an agreement between the test site  
10 and a person identified in (a) of this subsection to provide  
11 assistance in determining which medications are being used by an  
12 identified patient who is under the care of that person.

13 (4) The department may provide data to public or private entities  
14 for statistical, research, or educational purposes after removing  
15 information that could be used to identify individual patients,  
16 dispensers, prescribers, and persons who received prescriptions from  
17 dispensers.

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

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

24 (1) Test sites that may receive access to data in the  
25 prescription monitoring program under RCW 70.225.040 must be:

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

28 (b) Certified as a drug testing laboratory by the United States  
29 department of health and human services, substance abuse and mental  
30 health services administration.

31 (2) Test sites may not:

32 (a) Charge a fee for accessing the prescription monitoring  
33 program;

34 (b) Store data accessed from the prescription drug monitoring  
35 program in any form, including, but not limited to, hard copies,  
36 electronic copies, or web/digital based copies of any kind. Such data  
37 may be used only to transmit to those entities listed in RCW  
38 70.255.040(3)(a).

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 70.225  
2    RCW to read as follows:

3        (1) Access to data in the qualifying laboratory must be under the  
4    supervision of the responsible person as designated by the United  
5    States department of health and human services, substance abuse and  
6    mental health services administration certification program.

7        (2) Such data cannot be gathered, shared, sold, or used in any  
8    manner other than as designated under RCW 70.255.040, section 2 of  
9    this act, or this section."

10        Correct the title.

EFFECT: Reduces the authority of test sites to share Prescription  
Monitoring Program (Program) data with any participant in the Program  
to only allowing test sites to share the data with prescribing health  
practitioners for the purpose of caring for their patients.

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