HOUSE BILL REPORT
HB 1103

As Reported by House Committee On:
Health Care & Wellness

Title: An act relating to providing access to the prescription drug monitoring database for clinical laboratories.

Brief Description: Providing access to the prescription drug monitoring database for clinical laboratories.

Sponsors: Representatives Jinkins, Zeiger, Moeller, Rodne, Cody, Harris, Clibborn, Riccelli, Kagi and Gregerson.

Brief History:
Committee Activity:
Health Care & Wellness: 1/23/15, 1/30/15 [DPS].

Brief Summary of Substitute Bill

- Allows the Department of Health (Department) to provide data in the Prescription Monitoring Program to personnel of a test site that has an agreement with a person authorized to prescribe and dispense drugs for medical care.
- Requires test sites authorized to receive access to data in the Prescription Monitoring Program to be licensed by the Department and certified by the Substance Abuse and Mental Health Service Administration of the U.S. Department of Health and Human Services.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier, Clibborn, DeBolt, Jinkins, Johnson, Moeller, Robinson, Rodne, Short and Tharinger.

Staff: Chris Blake (786-7392).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Prescription Monitoring Program.

In 2007 the Department of Health (Department) was authorized to create a Prescription Monitoring Program (Program). The Program's stated purpose is to improve patient care and stop prescription drug misuse. Practitioners and pharmacies that dispense Schedule II, III, IV, and V drugs are required to report information regarding each drug prescription, for more than one day use, identified as a Schedule II, III, IV, and V drugs to the Department. This information is then made available to authorized persons, such as medical providers and pharmacists.

Test Sites.

A test site is any facility or site, public or private, which analyzes materials derived from the human body for the purposes of health care, treatment, or screening. A test site must be licensed by the state for the tests it performs.

In addition to state regulation, the United States Department of Health and Human Services (DHHS) certifies laboratories through the Substance Abuse and Mental Health Services Administration. The DHHS notifies federal agencies of the laboratories and instrumented initial testing facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). A notice listing all currently certified laboratories and IITFs is published in the Federal Register during the first week of each month. If any laboratory or IITF's certification is suspended or revoked, the laboratory or the IITF will be omitted from subsequent lists until it is restored to full certification under the Mandatory Guidelines.

Summary of Substitute Bill:

The Department of Health (Department) may provide data in the Prescription Monitoring Program (Program) to personnel of a test site if:

- a person authorized to prescribe or dispense drugs engages the test site to provide assistance in determining which medications are being used by a patient under his or her care;
- the test site has a procedure to ensure that the privacy and confidentiality of patients and their information are maintained and not disclosed to unauthorized parties;
- the test site is licensed by the Department; and
- the test site is certified as a drug testing laboratory by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (Administration).

Test sites are prohibited from storing data accessed from the Program database. The data may only be transmitted to entities that are authorized to receive data under the Program. A "responsible person," as designated by the Administration, must supervise the test site's access to data. Test sites are prohibited from receiving compensation for assisting prescribing providers in the identification of medications used by a patient.

Substitute Bill Compared to Original Bill:

The substitute bill eliminates the requirement that a participating test site be physically located in Washington. Test sites are prohibited from receiving compensation for assisting prescribing providers in the identification of medications being used by a patient. The prohibition on compensation must be addressed in agreements between the test site and the prescribing provider.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will provide higher utilization of the Prescription Monitoring Program (Program) without administrative burden to the provider. Program information has been shown to prevent overdoses and misuse of prescription drugs; unfortunately the Program is underutilized. This will provide quicker identification of patients who are "doctor-shopping" and prevent more prescriptions from being given to addicted individuals. This bill could provide savings to the state through reduced costs to Medicaid and Labor and Industries. The monitoring services will be provided at no cost. This is a real benefit to a busy provider office by saving staff time. This bill will assure that data distribution will be strictly confidential, controlled by the laboratory, in compliance with Health Insurance Portability and Accountability Act, will not be stored by the laboratory, and not be used to gain financial advantage.

(Opposed) None.

Persons Testifying: Representative Jinkins, prime sponsor; Evans Calas and Dan Baker, Sterling Reference Labs.

Persons Signed In To Testify But Not Testifying: None.