

# HOUSE BILL REPORT

## SSB 5027

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### 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:** Senate Committee on Health Care (originally sponsored by Senators Angel, Darneille, Dammeier, Keiser, Parlette, Cleveland, Bailey and Chase).

#### **Brief History:**

##### **Committee Activity:**

Health Care & Wellness: 3/25/15, 3/26/15 [DPA].

#### **Brief Summary of Substitute Bill (As Amended by Committee)**

- Allows the Department of Health (Department) to provide data in the Prescription Monitoring Program (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 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.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass as amended. Signed by 14 members: Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier, Clibborn, Jinkins, Johnson, Moeller, Robinson, Rodne, Short, Tharinger and Van De Wege.

**Staff:** Chris Blake (786-7392).

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*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.*

## **Background:**

### 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 of 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.

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## **Summary of Amended Bill:**

The Department of Health (Department) may provide data in the Prescription Monitoring Program (Program) to personnel of a test site according to an agreement between the test site and a person with prescriptive or dispensing authority to provide assistance in determining which medications are being used by a patient under his or her care. The test site must be licensed by the Department and 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 charging a fee for accessing the Program and may not store Program data in any form. Data may only be transmitted to persons authorized to prescribe or dispense drugs for the purpose of providing medical care. A "responsible person," as designated by the Administration, must supervise the test site's access to data.

## **Amended Bill Compared to Substitute Bill:**

The amended bill 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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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended 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) The Prescription Monitoring Program (Program) is very underused and this will expand its use and help in treating drug abuse. It has been shown that when the Program is used by prescribers it prevents overdoses and the misuse of prescription drugs. Only 30 percent of prescribers have signed up for the Program. The Program identifies patients who need drug and alcohol treatment, who are high utilizers, or who are diverting medications. This bill is in the best interest of public health.

Laboratories that hold licenses from the Substance Abuse and Mental Health Services Administration are highly regulated which ensures the protection of patient information. This bill requires laboratories to keep the data private and prevents the laboratory from charging a fee. This bill will have no cost to the health care system and the information will be compliant with the Health Insurance Portability and Accountability Act. Data will not be stored or used for financial interest. The Department of Health has an amendment to limit the disclosures that can be made by laboratories.

(Opposed) None.

**Persons Testifying:** Senator Angel, prime sponsor; and Evans Calas and Janetta Bryskin, Sterling Labs.

**Persons Signed In To Testify But Not Testifying:** None.