

# SENATE BILL REPORT

## SB 5248

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As Reported by Senate Committee On:  
Health Care, February 7, 2017

**Title:** An act relating to persons to whom the department of health may provide prescription monitoring program data.

**Brief Description:** Concerning persons to whom the department of health may provide prescription monitoring program data.

**Sponsors:** Senators Rivers, Cleveland, Becker, Carlyle and Kuderer.

**Brief History:**

**Committee Activity:** Health Care: 2/02/17, 2/07/17 [DP-WM].

**Brief Summary of Bill**

- Expands access to the Prescription Monitoring Program.
- Allows the Department of Health to distribute data for quality improvement purposes.

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### SENATE COMMITTEE ON HEALTH CARE

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer, Assistant Ranking Minority Member; Bailey, Conway, Fain, Keiser, Miloscia, Mullet, O'Ban and Walsh.

**Staff:** Kathleen Buchli (786-7488)

**Background:** The Department of Health (DOH) maintains a Prescription Monitoring Program (PMP) to monitor the prescribing and dispensing of all Schedules II, III, IV, and V controlled substances. Information submitted for each prescription must include at least a patient identifier, the drug dispensed, the date of dispensing, the quantity dispensed, the prescriber, and the dispenser. With certain exceptions, prescription information submitted to DOH is confidential.

The exceptions allow DOH to provide data in the PMP to:

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- persons authorized to prescribe or dispense controlled substances;
- an individual who requests the individual's own records;
- health professional licensing, certification, or regulatory agencies;
- law enforcement officials who are engaged in bona fide specific investigations involving a designated person;
- authorized practitioners of the Department of Social and Health Services and the Health Care Authority regarding Medicaid recipients;
- the Director of the Department of Labor and Industries regarding workers' compensation claimants;
- the Director of the Department of Corrections regarding committed offenders;
- entities under court order;
- DOH personnel for the purposes of administering the program;
- drug testing laboratory personnel in order to determine what medications a patient may be taking;
- a health care facility or provider group of five or more providers in order to provide medical or pharmaceutical care to the facility's patients; and
- public or private entities for statistical, research, or educational purposes after removing identifying information.

The Emergency Department Information Exchange (EDIE) is the electronic tracking program that enables health care providers to better identify and treat high users of the emergency department and special needs patients. EDIE alerts health care providers when a patient registers in an emergency department.

**Summary of Bill:** The persons who may be provided PMP data include:

- DOH personnel in order to assess prescribing practices and provide quality improvement feedback to providers, including comparison of their respective data to aggregate data for providers with the same type of license and specialty;
- health care facilities or provider groups for quality improvement purposes;
- health care facilities or provider groups that are operated by the federal government or federally recognized Indian tribes;
- local health officers in order to provide patient follow-up and care coordination following an overdose event; and
- EDIE in order to provide PMP data to emergency department personnel when the patient registered in the emergency department and to provide notice to the patient's prescribing health care provider that the patient has had an overdose event.

On at least a quarterly basis, DOH must provide health care facilities and provider groups with facility and individual prescriber information to be used for internal quality improvement feedback purposes; this may not be used as the sole basis for any medical staff sanction or adverse employment action.

DOH may provide dispenser and prescriber data and data that includes indirect patient identifiers to the Washington State Hospital Association to use in connection with its coordinated quality improvement program.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This is the product of a joint effort of stakeholders and another effort to address opiate use. Public health officers will be able to access the PMP and the overdose feedback system helps providers. We need data and this continues the work of addressing opioid use. Washington State has lead the effort to decrease opioid overdoses and this is another effort to address this. EDIE has been tied to the exchange of information but we need to push the data to prescribers, not require them to pull the data for themselves. This takes bias out of the equation and forces prescribers to look at all patients. We want the collection of data for quality improvement programs. This data should also be pushed to behavioral health providers. ARNPs want to be included in the development of assessment materials used for the program. We would like ARNPs to be a part of the decision making process to determine the content and format of the notice.

**Persons Testifying:** PRO: Senator Ann Rivers, Prime Sponsor; Mike Hatchett, Washington Council for Behavioral Health; Leslie Emerick, ARNPs United of WA; Katie Kolan, Washington State Medical Association; David Tauben, MD, UW Medical Center / WSMA/ WSHA Opioid Task Force; Stephen Anderson, MD, American College of Emergency Physicians -WA.

**Persons Signed In To Testify But Not Testifying:** No one.