
SENATE BILL 5248

State of Washington 65th Legislature 2017 Regular Session

By Senators Rivers, Cleveland, Becker, Carlyle, and Kuderer

Read first time 01/18/17. Referred to Committee on Health Care.

1 AN ACT Relating to persons to whom the department of health may
2 provide prescription monitoring program data; and amending RCW
3 70.225.040.

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

5 **Sec. 1.** RCW 70.225.040 and 2016 c 104 s 1 are each amended to
6 read as follows:

7 (1) Prescription information submitted to the department must 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), and (5) of this
11 section.

12 (2) The department must maintain procedures to ensure that the
13 privacy and confidentiality of patients and patient information
14 collected, recorded, transmitted, and maintained is not disclosed to
15 persons except as in subsections (3) (~~and~~), (4), and (5) of this
16 section.

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

19 (a) Persons authorized to prescribe or dispense controlled
20 substances or legend drugs, for the purpose of providing medical or
21 pharmaceutical care 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 law enforcement or prosecutorial officials,
6 including local, state, and federal officials and officials of
7 federally recognized tribes, who are engaged in a bona fide specific
8 investigation involving a designated person;

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

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

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

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

18 (i) Personnel of the department for purposes of:

19 (i) Assessing prescribing practices, including controlled
20 substances related to mortality and morbidity;

21 (ii) Providing quality improvement feedback to providers,
22 including comparison of their respective data to aggregate data for
23 providers with the same type of license and same specialty; and

24 (iii) Administration and enforcement of this chapter or chapter
25 69.50 RCW;

26 (j) Personnel of a test site that meet the standards under RCW
27 70.225.070 pursuant to an agreement between the test site and a
28 person identified in (a) of this subsection to provide assistance in
29 determining which medications are being used by an identified patient
30 who is under the care of that person;

31 (k) A health care facility or entity for the purpose of providing
32 medical or pharmaceutical care to the patients of the facility or
33 entity, or for quality improvement purposes if:

34 (i) The facility or entity is licensed by the department or is
35 operated by the federal government or a federally recognized Indian
36 tribe; and

37 (ii) The facility or entity is a trading partner with the state's
38 health information exchange; ~~((and))~~

1 (1) A health care provider group of five or more providers for
2 purposes of providing medical or pharmaceutical care to the patients
3 of the provider group, or for quality improvement purposes if:

4 (i) All the providers in the provider group are licensed by the
5 department or the provider group is operated by the federal
6 government or a federally recognized Indian tribe; and

7 (ii) The provider group is a trading partner with the state's
8 health information exchange;

9 (m) The local health officer of a local health jurisdiction for
10 the purposes of patient follow-up and care coordination following a
11 controlled substance overdose event. For the purposes of this
12 subsection "local health officer" has the same meaning as in RCW
13 70.05.010; and

14 (n) The coordinated care electronic tracking program developed in
15 response to section 213, chapter 7, Laws of 2012 2nd sp. sess.,
16 commonly referred to as the seven best practices in emergency
17 medicine, for the purposes of providing:

18 (i) Prescription monitoring program data to emergency department
19 personnel when the patient registers in the emergency department; and

20 (ii) Notice to providers, appropriate care coordination staff,
21 and prescribers listed in the patient's prescription monitoring
22 program record that the patient has experienced a controlled
23 substance overdose event. The department shall determine the content
24 and format of the notice in consultation with the Washington state
25 hospital association, Washington state medical association, and
26 Washington state health care authority, and the notice may be
27 modified as necessary to reflect current needs and best practices.

28 (4) The department shall, on at least a quarterly basis, and
29 pursuant to a schedule determined by the department, provide a
30 facility or entity identified under subsection (3)(k) of this section
31 or a provider group identified under subsection (3)(l) of this
32 section with facility or entity and individual prescriber information
33 if the facility, entity, or provider group:

34 (a) Uses the information only for internal quality improvement
35 and individual prescriber quality improvement feedback purposes and
36 does not use the information as the sole basis for any medical staff
37 sanction or adverse employment action; and

38 (b) Provides to the department a standardized list of current
39 prescribers of the facility, entity, or provider group. The specific
40 facility, entity, or provider group information provided pursuant to

1 this subsection and the requirements under this subsection must be
2 determined by the department in consultation with the Washington
3 state hospital association, Washington state medical association, and
4 Washington state health care authority, and may be modified as
5 necessary to reflect current needs and best practices.

6 (5)(a) The department may provide data to public or private
7 entities for statistical, research, or educational purposes after
8 removing information that could be used to identify individual
9 patients, dispensers, prescribers, and persons who received
10 prescriptions from dispensers.

11 (b)(i) The department may provide dispenser and prescriber data
12 and data that includes indirect patient identifiers to the Washington
13 state hospital association for use solely in connection with its
14 coordinated quality improvement program maintained under RCW
15 43.70.510 after entering into a data use agreement as specified in
16 RCW 43.70.052(8) with the association.

17 (ii) For the purposes of this subsection, "indirect patient
18 identifiers" means data that may include: Hospital or provider
19 identifiers, a five-digit zip code, county, state, and country of
20 resident; dates that include month and year; age in years; and race
21 and ethnicity; but does not include the patient's first name; middle
22 name; last name; social security number; control or medical record
23 number; zip code plus four digits; dates that include day, month, and
24 year; or admission and discharge date in combination.

25 ((~~(5) A dispenser or practitioner~~)) (6) Persons authorized in
26 subsections (3), (4), and (5) of this section to receive data in the
27 prescription monitoring program from the department, acting in good
28 faith (~~is~~), are immune from any civil, criminal, disciplinary, or
29 administrative liability that might otherwise be incurred or imposed
30 for (~~requesting, receiving, or using information from the program~~)
31 acting under this chapter.

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