
ENGROSSED SUBSTITUTE HOUSE BILL 1103

State of Washington

64th Legislature

2015 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Jenkins, Zeiger, Moeller, Rodne, Cody, Harris, Clibborn, Riccelli, Kagi, and Gregerson)

READ FIRST TIME 02/03/15.

1 AN ACT Relating to providing access to the prescription drug
2 monitoring database for clinical laboratories; amending RCW
3 70.225.040; and adding new sections to chapter 70.225 RCW.

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

5 **Sec. 1.** RCW 70.225.040 and 2011 1st sp.s. c 15 s 87 are each
6 amended to read as follows:

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

12 (2) The department (~~shall~~)must maintain procedures to ensure
13 that the privacy and confidentiality of patients and patient
14 information collected, recorded, transmitted, and maintained is not
15 disclosed to persons except as in subsections (3) and (4) 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, for the purpose of providing medical or pharmaceutical
21 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 local, state, and federal law enforcement or
6 prosecutorial officials who are engaged in a bona fide specific
7 investigation involving a designated person;

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

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

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

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

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

20 (j) Personnel of a test site that meets the standards under
21 subsection (2) of this section pursuant to an agreement between the
22 test site and a person identified in (a) of this subsection to
23 provide assistance in determining which medications are being used by
24 an identified patient who is under the care of that person.

25 (4) The department may provide data to public or private entities
26 for statistical, research, or educational purposes after removing
27 information that could be used to identify individual patients,
28 dispensers, prescribers, and persons who received prescriptions from
29 dispensers.

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

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

36 Test sites that may receive access to data in the prescription
37 monitoring program under RCW 70.225.040 must be:

38 (1) Licensed by the department as a test site under chapter 70.42
39 RCW; and

1 (2) Certified as a drug testing laboratory by the United States
2 department of health and human services, substance abuse and mental
3 health services administration.

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

6 (1) Test sites that qualify under section 2 of this act may not
7 store data accessed from the prescription drug monitoring database in
8 any form, including but not limited to hard copies, electronic
9 copies, or web or digital based copies of any kind. Further, such
10 data may be used only to transmit to those entities listed in RCW
11 70.225.040(3)(a).

12 (2) Access to such data in the qualifying laboratory must be
13 under the supervision of the responsible person as designated by the
14 United States department of health and human services, substance
15 abuse and mental health services administration certification
16 program.

17 (3) Such data cannot be gathered, shared, sold, or used in any
18 manner other than as designated under RCW 70.225.040(3)(j), section 2
19 of this act, or this section.

20 (4) No test site may receive any form of compensation, whether in
21 the form of money, rebates, or referral agreements, for providing
22 services identified in RCW 70.225.040(3)(j). This shall be specified
23 in each agreement between a test site and a person identified in RCW
24 70.225.040(3)(a).

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