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**SUBSTITUTE HOUSE BILL 2730**

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**State of Washington                      64th Legislature                      2016 Regular Session**

**By** House Health Care & Wellness (originally sponsored by Representatives Peterson, Walkinshaw, Ortiz-Self, Bergquist, Kagi, Gregerson, Kilduff, Frame, and Pollet)

READ FIRST TIME 02/05/16.

1            AN ACT Relating to the prescription monitoring program; and  
2 reenacting and amending RCW 70.225.040.

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

4            **Sec. 1.** RCW 70.225.040 and 2015 c 259 s 1 and 2015 c 49 s 1 are  
5 each reenacted and amended to read as follows:

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

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

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

16           (a) Persons authorized to prescribe or dispense controlled  
17 substances or legend drugs, for the purpose of providing medical or  
18 pharmaceutical care for their patients;

19           (b) An individual who requests the individual's own prescription  
20 monitoring information;

1 (c) Health professional licensing, certification, or regulatory  
2 agency or entity;

3 (d) Appropriate law enforcement or prosecutorial officials,  
4 including local, state, and federal officials and officials of  
5 federally recognized tribes, who are engaged in a bona fide specific  
6 investigation involving a designated person;

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

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

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

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

16 (i) Personnel of the department for purposes of administration  
17 and enforcement of this chapter or chapter 69.50 RCW; (~~and~~)

18 (j) Personnel of a test site that meet the standards under RCW  
19 70.225.070 pursuant to an agreement between the test site and a  
20 person identified in (a) of this subsection to provide assistance in  
21 determining which medications are being used by an identified patient  
22 who is under the care of that person;

23 (k) A health care facility or entity for the purpose of providing  
24 medical or pharmaceutical care to the patients of the facility or  
25 entity, if:

26 (i) The facility or entity is licensed by the department; and

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

29 (l) A health care provider group of five or more providers for  
30 purposes of providing medical or pharmaceutical care to the patients  
31 of the provider group if:

32 (i) All the providers in the provider group are licensed by the  
33 department; and

34 (ii) The provider group is a trading partner with the state's  
35 health information exchange.

36 (4) The department may provide data to public or private entities  
37 for statistical, research, or educational purposes after removing  
38 information that could be used to identify individual patients,  
39 dispensers, prescribers, and persons who received prescriptions from  
40 dispensers.

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

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