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**SUBSTITUTE HOUSE BILL 1103**

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**State of Washington 64th Legislature 2015 Regular Session**

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

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

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

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

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

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

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

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

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

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

(d) Appropriate local, state, and federal law enforcement or prosecutorial officials who are engaged in a bona fide specific investigation involving a designated person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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