

EXHIBIT *Red*  
DATE 1/26/2011  
HB HB 83

Amendments to House Bill No. 83  
1st Reading Copy

Requested by Representative Tom Berry

For the House Human Services Committee

Prepared by Sue O'Connell  
January 26, 2011 (8:10am)

1. Title, line 9.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 7, line 28 through line 30.

**Strike:** subsection (d) in its entirety

**Renumber:** subsequent subsections

3. Page 9, line 6 through line 7.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) Unless a court of competent jurisdiction finds that a person or entity committed an unlawful act pursuant to [section 14], a person or entity in proper possession of information pursuant to [sections 1 through 15] is not subject to civil liability or other legal or equitable relief for any of the following acts or omissions:

(a) furnishing information pursuant to [sections 3 through 7];

(b) receiving, using or relying on, or not using or relying on information received pursuant to [sections 3 through 7]; or

(c) relying on information that was entered into the registry in error, was factually incorrect, or was released by the board to the wrong person or entity."

4. Page 9, line 15 through line 18.

**Following:** "registry." on line 15

**Strike:** "(1) The board" on line 15 through "(2)" on line 18

5. Page 10, line 12.

**Following:** "set by rule"

**Strike:** "is commensurate" through "the registry"

**Insert:** "may not exceed \$15"

6. Page 11, line 12.

**Following:** "who"

**Insert:** "willfully"

7. Page 11, line 16.

**Following:** "who"

Insert: "willfully"

8. Page 12, line 20.

Insert: "NEW SECTION. Section 20. {standard} Termination.  
[Section 12(1)] terminates July 1, 2015."

- END -

1 reasons beyond its control; or

2 (ii) the board is unable to receive electronic submissions.

3 (2) This section does not apply to:

4 (a) a prescriber who dispenses or administers drugs to the prescriber's patients; or

5 (b) a prescription drug order for a controlled substance dispensed to a person who is hospitalized.

6

7 **NEW SECTION. Section 5. Prescription drug registry review.** The board may review the information  
8 in the registry for possible misuse and diversion of controlled substances prescribed and dispensed to a patient.  
9 The board may provide information about possible misuse or diversion to prescribers and dispensers as allowed  
10 by rule.

11

12 **NEW SECTION. Section 6. Confidentiality.** Patient information that is collected, recorded, transmitted,  
13 and stored for the registry is protected and may not be disclosed except as allowed in [section 7]. The board shall  
14 adopt rules to protect the confidentiality of the registry and to ensure that only authorized individuals have access  
15 to the registry.

16

17 **NEW SECTION. Section 7. Providing prescription drug registry information.** (1) Registry  
18 information is health care information as defined in 50-16-504 and is confidential. Except as provided in [section  
19 5], the board is authorized to provide data from the registry, upon request, only to the following:

20 (a) a person authorized to prescribe or dispense prescription drugs if the person certifies that the  
21 information is needed to provide medical or pharmaceutical treatment to a patient who is the subject of the  
22 request and who is under the person's care or has been referred to the person for care;

23 (b) a prescriber who requests information relating to the prescriber's own prescribing information if the  
24 prescriber certifies that the requested information is for a purpose in accordance with board rule;

25 (c) an individual requesting the individual's registry information if the individual provides evidence  
26 satisfactory to the board that the individual requesting the information is the person about whom the data entry  
27 was made;

28 ~~(d) a parent or legal guardian requesting a minor's registry information if the individual requesting the~~  
29 ~~information provides evidence satisfactory to the board that the individual requesting the information is the parent~~  
30 ~~or legal guardian of the minor about whom the data entry was made;~~

1 prescription drugs for legitimate medical purposes.

2

3 **NEW SECTION. Section 8. Prescription drug registry -- immunity.** (1) A person or entity that  
4 complies with the reporting requirements of [section 4] is not subject to civil liability or other legal or equitable  
5 relief for reporting the information to the board.

6 ~~(2) Nothing in [sections 3 through 7] requires or obligates a dispenser or practitioner to access or check~~  
7 ~~the registry before dispensing, prescribing, or administering a medication or providing medical care to a person.~~

8 ~~(2) Unless a court . . . or entity. "~~

9 (3) The immunity provisions of this section do not apply to the board, a state agency, or any political  
10 subdivision of the state.

10

11 **NEW SECTION. Section 9. Registry information retention -- destruction.** The board shall retain the  
12 information collected for the registry for up to 3 years, as established by rule. After 3 years, the board shall  
13 destroy the information unless it is being used as part of an active investigation.

14

15 **NEW SECTION. Section 10. Administration of prescription drug registry.** ~~(1) The board shall hire~~  
16 ~~a licensed pharmacist in good standing in the state of Montana to manage and direct the establishment and~~  
17 ~~maintenance of the registry.~~

18 ~~(2)~~ The board may hire or contract for other professional, technical, or clerical staff as necessary to  
19 operate the registry. A contractor shall comply with the provisions regarding confidentiality of prescription  
20 information in [sections 6 and 7] and is subject to the penalties specified in [section 14] for unlawful acts.

21

22 **NEW SECTION. Section 11. Prescription drug registry -- advisory group.** (1) The board shall  
23 establish an advisory group to provide information and advice about the development and operation of the  
24 registry, including but not limited to information on:

25 (a) the criteria for reporting information from the registry to prescribers and pharmacists;

26 (b) the design and implementation of educational courses about the registry;

27 (c) standards for evaluating the effectiveness of the registry; and

28 (d) administrative rules for establishing and maintaining the registry.

29 (2) The advisory group consists of but is not limited to representatives of:

30 (a) health care licensing boards that oversee health care providers who have authority to prescribe or