

1 SENATE BILL NO. 284  
2 INTRODUCED BY C. GLIMM  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO REPORTING OF DRUGS TAKEN  
5 BY OR PRESCRIBED TO INDIVIDUALS WHOSE DEATHS ARE RULED TO BE SUICIDE; ~~REQUIRING~~  
6 ~~PHARMACISTS TO REPORT INFORMATION ON MENTAL HEALTH MEDICATIONS TO THE~~  
7 ~~PRESCRIPTION DRUG REGISTRY; REQUIRING PRESCRIBERS TO REVIEW REGISTRY INFORMATION~~  
8 ~~ON MENTAL HEALTH MEDICATIONS; ALLOWING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN~~  
9 ~~SERVICES TO ACCESS LIMITED SHARING OF REGISTRY INFORMATION FOR INVOLVING~~ INDIVIDUALS  
10 WHO COMPLETED SUICIDE; REQUIRING CORONERS TO REPORT AVAILABLE TOXICOLOGY RESULTS  
11 FOR INDIVIDUALS WHO COMPLETED SUICIDE; REQUIRING A REPORT ON TOXICOLOGY AND  
12 ~~PRESCRIPTION DRUG CONTROLLED SUBSTANCES~~ INFORMATION IN DEATHS RULED TO BE A  
13 SUICIDE; EXTENDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS ~~37-7-1502, 37-7-1503, 37-~~  
14 ~~7-1504, 37-7-1506, 37-7-1512, 37-7-1515, 46-4-123, AND 53-21-1101, MCA.~~"

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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18 **Section 1.** Section 37-7-1502, MCA, is amended to read:

19 ~~"37-7-1502. Prescription drug registry -- purpose.~~ (1) The board shall establish and maintain a  
20 ~~prescription drug registry for the purpose of improving patient safety by:~~

21 (a) ~~making a list of controlled substances and mental health medications prescribed to a patient~~  
22 ~~available to the patient or to the patient's health care provider; and~~

23 (b) ~~allowing authorized staff of the board who have signed appropriate confidentiality agreements~~  
24 ~~to review the registry for possible misuse and diversion of controlled substances; and~~

25 (c) ~~allowing authorized staff of the department of public health and human services who have~~  
26 ~~signed appropriate confidentiality agreements to review the registry for research purposes involving~~  
27 ~~medications prescribed to individuals whose deaths have been ruled to be a suicide.~~

28 (2) ~~The board shall electronically collect information on prescription drug orders involving~~

1 ~~individuals whose death has been ruled to be a suicide, only for the purposes of the report required under 53-~~  
2 ~~21-1101."~~

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4 **Section 1.** Section 37-7-1506, MCA, is amended to read:

5 **"37-7-1506. Providing prescription drug registry information.** (1) Registry information is health  
6 care information as defined in 50-16-504 and is confidential. Except as provided in 37-7-1504, the board is  
7 authorized to provide data from the registry, upon request, only to the following:

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

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

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

16 (d) a designated representative of a government agency responsible for licensing, regulating, or  
17 disciplining licensed health care professionals who are authorized to prescribe, administer, or dispense drugs,  
18 in order to conduct investigations related to a health care professional who is the subject of an active  
19 investigation for drug misuse or diversion;

20 ~~(e) IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (3), a designated representative of the~~  
21 ~~department of public health and human services making an inquiry in accordance with 37-7-1504 53-21-1101;~~

22 ~~(e)(f)~~ a county coroner or a peace officer employed by a federal, state, tribal, or local law  
23 enforcement agency if the county coroner or peace officer has obtained an investigative subpoena;

24 ~~(f)(g)~~ an authorized individual under the direction of the department of public health and human  
25 services for the purpose of reviewing and enforcing that department's responsibilities under the public health,  
26 medicare, or medicaid laws; or

27 ~~(g)(h)~~ a prescription drug registry in another state if the data is subject to limitations and restrictions  
28 similar to those provided in 37-7-1502 through 37-7-1513.

1 (2) The board shall maintain a record of each individual or entity that requests information from the  
2 registry and whether the request was granted pursuant to this section.

3 (3) (A) The board may release information in summary, statistical, or aggregate form for  
4 educational, research, or public information purposes. The information may not identify a person or entity.

5 (B) WITHOUT IDENTIFYING THE INDIVIDUAL and with the consent of the individual's next of kin, THE  
6 INFORMATION RELEASED TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FOR THE PURPOSES OF  
7 SUBSECTION (1)(E) MUST INCLUDE A LIST OF ALL CONTROLLED SUBSTANCES DISPENSED TO EACH PERSON WHOSE  
8 DEATH WAS RULED TO BE A SUICIDE.

9 (4) Information collected by or obtained from the registry may not be used:

10 (a) for commercial purposes; or

11 (b) as evidence in any civil or administrative action, except in an investigation and disciplinary  
12 proceeding by the department or the agency responsible for licensing, regulating, or disciplining licensed health  
13 care professionals who are authorized to prescribe, administer, or dispense prescription drugs.

14 (5) Information obtained from the registry in accordance with the requirements of this section may  
15 be used in the course of a criminal investigation and subsequent criminal proceedings.

16 (6) (a) Registry information may be integrated into a health information system if the system:

17 (i) limits access to the information to those individuals authorized under subsection (1) to receive  
18 registry information;

19 (ii) meets the privacy and security requirements of the Health Insurance Portability and  
20 Accountability Act of 1996, 42 U.S.C. 1320d, et seq.; and

21 (iii) meets other criteria established by the board by rule.

22 (b) Information integrated into a health information system remains subject to the confidentiality  
23 requirements of 37-7-1505.

24 (7) The board shall adopt rules to ensure that only authorized individuals have access to the  
25 registry and only to appropriate information from the registry. The rules must be consistent with:

26 (a) the privacy provisions of the Health Insurance Portability and Accountability Act of 1996, 42  
27 U.S.C. 1320d, et seq.;

28 (b) administrative rules adopted in connection with that act;

- 1 (c) Article II, section 10, of the Montana constitution; and  
2 (d) the privacy provisions of Title 50, chapter 16.  
3 (8) The procedures established by the board under this section may not impede patient access to  
4 prescription drugs for legitimate medical purposes."  
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6 **Section 5.** Section 37-7-1512, MCA, is amended to read:

7 **"37-7-1512. Rulemaking authority.** The board shall adopt rules to carry out and enforce this part,  
8 including but not limited to rules that:

9 (1) ~~specify the type of information to be reported on prescription drug orders involving controlled~~  
10 ~~substances;~~

11 (2) ~~specify which medications for the treatment of mental disorders must be reported in~~  
12 ~~accordance with this part;~~

13 (2)(3) ~~establish the requirements for transmitting from a pharmacy to the board prescription drug~~  
14 ~~order information involving controlled substances and medications for mental disorders ;~~

15 (3)(4) ~~define the electronic format for submission of information;~~

16 (4)(5) ~~define the circumstances under which a pharmacy may receive a waiver from the requirement~~  
17 ~~to submit information electronically;~~

18 (5)(6) ~~specify the procedure through which a pharmacy may request an extension of the time limit for~~  
19 ~~submitting information;~~

20 (6)(7) ~~establish how a person or entity authorized to receive information from the registry may submit~~  
21 ~~a request for the information;~~

22 (7)(8) ~~specify the ways in which the board may use records involving requests for registry information~~  
23 ~~to document and report on statistics involving the registry;~~

24 (8)(9) ~~set the fees to be charged for establishing and maintaining the registry; and~~

25 (9)(10) ~~establish confidentiality provisions to ensure that the privacy of patient information is~~  
26 ~~maintained."~~

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28 **Section 6.** Section 37-7-1515, MCA, is amended to read: