

HB 2518-5
(LC 1497)
3/29/17 (MBM/ps)

Requested by Representative BUEHLER

**PROPOSED AMENDMENTS TO
HOUSE BILL 2518**

1 On page 2 of the printed bill, line 11, delete “in this state” and insert
2 “licensed by the State Board of Pharmacy”.

3 In line 13, delete “State Board of Pharmacy” and insert “board”.

4 On page 3, line 4, restore “and” and delete the fourth comma and delete
5 “and last four digits of the”.

6 In line 5, delete “Social Security number”.

7 In line 20, delete “complete”.

8 On page 4, delete lines 32 through 37 and insert:

9 “(C) In accordance with subparagraphs (A) and (B) of this paragraph, to
10 an individual described in subparagraphs (A) and (B) of this paragraph
11 through a health information technology system that is used by the individ-
12 ual to access information about patients if:

13 “(i) The individual is authorized to access the information in the health
14 information technology system;”.

15 On page 5, in line 15, delete “8” and insert “12”.

16 In line 33, after the period insert “If a request to correct information
17 cannot be granted because the error occurred at the pharmacy where the
18 information was inputted, the authority shall inform the patient that the
19 information cannot be corrected because the error occurred at the
20 pharmacy.”.

21 On page 6, line 15, after “program” insert “of the disclosure”.

1 On page 7, delete lines 8 through 11.

2 In line 12, delete “(c)” and insert “(b)”.

3 In line 24, delete “Section 8 of this 2017 Act is” and insert “Sections 8 to
4 12 of this 2017 Act are”.

5 After line 25, insert:

6 **“SECTION 8. (1) The Oregon Health Authority may require a person
7 requesting prescription monitoring program information under ORS
8 431A.865 (2)(b) to enter into a data use agreement under which the
9 person:**

10 **“(a) Describes the proposed use for the information;**

11 **“(b) Agrees to any terms and conditions imposed on transferring
12 the information;**

13 **“(c) Agrees to any limitations imposed on using the information;**

14 **“(d) Agrees to any terms and conditions imposed on keeping the
15 information; and**

16 **“(e) Agrees to destroy the information after completing the pro-
17 posed use for the information.**

18 **“(2) In determining whether to enter into an agreement under this
19 section, the authority shall:**

20 **“(a) Evaluate the merits of the request for information;**

21 **“(b) Determine whether the person making the request has the
22 technical competence needed to meet any terms, conditions or limita-
23 tions imposed under subsection (1) of this section and the ability to
24 complete the proposed use for the information;**

25 **“(c) If the proposed use for the information involves research, en-
26 sure that the proposed use has been approved by any involved insti-
27 tutional review board; and**

28 **“(d) Consider any other factor that the authority determines is
29 relevant.**

30 **“(3) Using the factors described in subsection (2) of this section, the**

1 authority shall evaluate any agreement entered into under this section
2 at least once per year for the purpose of determining whether to renew
3 the agreement.

4 **“SECTION 9. (1) Not less than once per year, the Oregon Health
5 Authority, in consultation with the Prescription Monitoring Program
6 Advisory Commission created under ORS 431A.890 and the Prescription
7 Monitoring Program Prescribing Practices Review Subcommittee es-
8 tablished under section 10 of this 2017 Act, shall develop, through the
9 use of prescription monitoring information, criteria by which a prac-
10 titioner may be required to receive education or training on the pre-
11 scribing of opioids or opiates.**

12 **“(2) Criteria developed under subsection (1) of this section must
13 include:**

14 **“(a) Prescribing a high volume of opioids or opiates classified in
15 schedules II and III;**

16 **“(b) Prescribing an above-average amount of doses of opioids or
17 opiates classified in schedules II and III to a high number of patients;**

18 **“(c) Simultaneously prescribing opioids or opiates classified in
19 schedules II and III with other drugs classified in schedules II and III.**

20 **“(3) In developing the criteria developed under subsection (1) of this
21 section, the authority must take into consideration the total quantity
22 and volume of opioids and opiates classified in schedules II and III
23 prescribed by each practitioner.**

24 **“(4) The subcommittee may review, through the use of prescription
25 monitoring information that does not identify a patient, a
26 practitioner’s prescribing history for the three years immediately pre-
27 ceding the date of the review to determine whether a practitioner
28 meets the criteria developed under subsection (1) of this section.**

29 **“(5) After performing the review described in subsection (4) of this
30 section, the subcommittee may:**

1 “(a) Direct the authority to provide to a practitioner who meets the
2 criteria developed under subsection (1) of this section educational in-
3 formation about prescribing opioids and opiates, as determined appro-
4 priate by the authority; and

5 “(b) Direct the authority to inform the health professional regula-
6 tory board that has jurisdiction over a practitioner who meets the
7 criteria developed under subsection (1) of this section that the practi-
8 tioner meets the criteria.

9 “(6) Prescription monitoring information used for purposes of this
10 section and the data created through the use of prescription monitor-
11 ing information pursuant to this section:

12 “(a) Are confidential and not subject to public disclosure under ORS
13 192.410 to 192.505;

14 “(b) Are not admissible as evidence in a civil or criminal proceed-
15 ing; and

16 “(c) May not be used by a health professional regulatory board as
17 the sole basis for disciplining a practitioner.

18 “SECTION 10. (1) The Prescription Monitoring Program Prescribing
19 Practices Review Subcommittee is established as a subcommittee of
20 the Prescription Monitoring Program Advisory Commission created
21 under ORS 431A.890, for the purpose of advising the Oregon Health
22 Authority and the commission on interpreting prescription informa-
23 tion, understanding the clinical aspects of prescribing practices and
24 evaluating prescribing practices.

25 “(2)(a) The authority shall appoint the number of members to the
26 subcommittee that the authority determines is necessary to fulfill the
27 functions of the subcommittee.

28 “(b) Members of the subcommittee must be practitioners who:

29 “(A) Hold a valid license issued in this state or a valid emeritus li-
30 cense issued in this state;

1 **“(B) Are registered with the federal Drug Enforcement Adminis-**
2 **tration to prescribe drugs classified in schedules II through IV; and**

3 **“(C) Have at least five years of experience prescribing drugs classi-**
4 **fied in schedules II through IV.**

5 **“(c) To the extent feasible, the authority shall appoint one member**
6 **to the subcommittee for each type of practitioner in this state that**
7 **prescribes drugs classified in schedules II through IV.**

8 **“SECTION 11. The Oregon Health Authority shall coordinate with**
9 **health professional regulatory boards to make resources available to**
10 **practitioners regarding the best methods to change prescribing prac-**
11 **tices with respect to opioids and opiates and to incorporate alternative**
12 **pain management options into prescribing practices.”.**

13 In line 26, delete “8” and insert “12” and delete “The Director of”.

14 In line 27, delete “regula-”.

15 In line 28, delete “tory”.

16 In line 33, delete “direct”.

17 Delete lines 36 through 39.

18 In line 40, delete “(3)” and insert “(2)” and delete “direct”.

19 In line 42, delete “9” and insert “13”.

20 In line 44, delete “10” and insert “15”.

21 After line 44, insert:

22 **“SECTION 14. Notwithstanding the operative date specified in sec-**
23 **tion 15 of this 2017 Act, a pharmacy is not required to electronically**
24 **report the phone number of the patient for whom a prescription drug**
25 **was prescribed or the payment method used to pay for a prescription**
26 **drug, as described in ORS 431A.860 (1), for prescription drugs dispensed**
27 **before July 1, 2018.”.**

28 In line 45, delete “10” and insert “15” and delete “Section 8” and insert
29 “Sections 8 to 12”.

30 On page 8, line 7, delete “section 8” and insert “sections 8 to 12”.

1 In line 9, delete “11” and insert “16”.

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