

# House Bill 3258

Sponsored by Representatives SANCHEZ, SMITH G

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires monitoring and reporting by prescription drug program prescription and dispensation of prescription drugs classified in schedule V of federal Controlled Substances Act.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to prescription drug monitoring; creating new provisions; amending ORS 431A.855 and  
3 431A.896; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 431A.855 is amended to read:

6 431A.855. (1)(a) The Oregon Health Authority, in consultation with the Prescription Monitoring  
7 Program Advisory Commission, shall establish and maintain a prescription monitoring program for  
8 monitoring and reporting:

9 (A) Prescription drugs dispensed by pharmacies licensed by the State Board of Pharmacy that  
10 are classified in schedules II through [IV] V under the federal Controlled Substances Act, 21 U.S.C.  
11 811 and 812, as modified by the board by rule under ORS 475.035;

12 (B) Prescribed gabapentin and naloxone dispensed by pharmacies; and

13 (C) Other drugs identified by rules adopted by the authority.

14 (b)(A) To fulfill the requirements of this subsection, the authority shall establish, maintain and  
15 operate an electronic system to monitor and report drugs described in paragraph (a) of this sub-  
16 section that are dispensed by prescription.

17 (B) The electronic system must:

18 (i) Operate and be accessible by practitioners and pharmacies 24 hours a day, seven days a  
19 week; and

20 (ii) Allow practitioners to register as required under ORS 431A.877 and to apply for access to  
21 the electronic system in accordance with rules adopted by the authority under subsection (2) of this  
22 section.

23 (C) The authority may contract with a state agency or private entity to ensure the effective  
24 operation of the electronic system.

25 (2) In consultation with the commission, the authority shall adopt rules for the operation of the  
26 electronic prescription monitoring program established under subsection (1) of this section, including  
27 standards for:

28 (a) Reporting data;

29 (b) Providing maintenance, security and disclosure of data;

30 (c) Ensuring accuracy and completeness of data;

31 (d) Complying with the federal Health Insurance Portability and Accountability Act of 1996 (P.L.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 104-191) and regulations adopted under that law, including 45 C.F.R. parts 160 and 164, federal al-  
2cohol and drug treatment confidentiality laws and regulations adopted under those laws, including  
3 42 C.F.R. part 2, and state health and mental health confidentiality laws, including ORS 179.505,  
4 192.517 and 192.553 to 192.581;

5 (e) Ensuring accurate identification of persons or entities requesting information from the da-  
6tabase;

7 (f) Accepting printed or nonelectronic reports from pharmacies that do not have the capability  
8 to provide electronic reports;

9 (g) Notifying a patient, before or when a drug classified in schedules II through [IV] V is dis-  
10pensed to the patient, about the prescription monitoring program and the entry of the prescription  
11 in the electronic system; and

12 (h) Registering practitioners with the electronic system.

13 (3) The authority shall submit an annual report to the commission regarding the prescription  
14 monitoring program established under this section.

15 **SECTION 2.** ORS 431A.896 is amended to read:

16 431A.896. (1) The Prescription Monitoring Program Prescribing Practices Review Subcommittee  
17 is established as a subcommittee of the Prescription Monitoring Program Advisory Commission  
18 created under ORS 431A.890, for the purpose of advising the Oregon Health Authority and the  
19 commission on interpreting prescription information, understanding the clinical aspects of prescrib-  
20ing practices and evaluating prescribing practices.

21 (2)(a) The authority shall appoint the number of members to the subcommittee that the authority  
22 determines is necessary to fulfill the functions of the subcommittee.

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

24 (A) Hold a valid license issued in this state or a valid emeritus license issued in this state;

25 (B) Are registered with the federal Drug Enforcement Administration to prescribe drugs classi-  
26fied in schedules II through [IV] V; and

27 (C) Have at least five years of experience prescribing drugs classified in schedules II through  
28 [IV] V.

29 (c) To the extent feasible, the authority shall appoint one member to the subcommittee for each  
30 type of practitioner in this state that prescribes drugs classified in schedules II through [IV] V.

31 **SECTION 3.** (1) **The amendments to ORS 431A.855 by section 1 of this 2023 Act apply to**  
32 **prescription drugs dispensed on or after the operative date specified in section 4 of this 2023**  
33 **Act.**

34 (2) **The amendments to ORS 431A.896 by section 2 of this 2023 Act apply to members of**  
35 **the Prescription Monitoring Program Prescribing Practices Review Subcommittee appointed**  
36 **on and after the operative date specified in section 4 of this 2023 Act.**

37 **SECTION 4.** (1) **The amendments to ORS 431A.855 and 431A.896 by sections 1 and 2 of this**  
38 **2023 Act become operative on January 1, 2024.**

39 (2) **The Oregon Health Authority may take any action before the operative date specified**  
40 **in subsection (1) of this section that is necessary to enable the authority to exercise, on and**  
41 **after the operative date specified in subsection (1) of this section, all of the duties, functions**  
42 **and powers conferred on the authority by the amendments to ORS 431A.855 and 431A.896 by**  
43 **sections 1 and 2 of this 2023 Act.**

44 **SECTION 5.** **This 2023 Act takes effect on the 91st day after the date on which the 2023**  
45 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

