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

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

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

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

431A.855. (1) The Oregon Health Authority, in consultation with the Prescription Monitoring Program Advisory Commission, shall establish and maintain a prescription monitoring program for monitoring and reporting:
(A) Prescription drugs dispensed by pharmacies licensed by the State Board of Pharmacy that are classified in schedules II through IV under the federal Controlled Substances Act, 21 U.S.C. 811 and 812, as modified by the board by rule under ORS 475.035;
(B) Prescribed gabapentin and naloxone dispensed by pharmacies; and
(C) Other drugs identified by rules adopted by the authority.

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

(B) The electronic system must:
(i) Operate and be accessible by practitioners and pharmacies 24 hours a day, seven days a week; and
(ii) Allow practitioners to register as required under ORS 431A.877 and to apply for access to the electronic system in accordance with rules adopted by the authority under subsection (2) of this section.

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

(2) In consultation with the commission, the authority shall adopt rules for the operation of the electronic prescription monitoring program established under subsection (1) of this section, including standards for:
(a) Reporting data;
(b) Providing maintenance, security and disclosure of data;
(c) Ensuring accuracy and completeness of data;
(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.

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104-191) and regulations adopted under that law, including 45 C.F.R. parts 160 and 164, federal al-
cohol and drug treatment confidentiality laws and regulations adopted under those laws, including
42 C.F.R. part 2, and state health and mental health confidentiality laws, including ORS 179.505,
192.517 and 192.553 to 192.581;
(e) Ensuring accurate identification of persons or entities requesting information from the da-
tabase;
(f) Accepting printed or nonelectronic reports from pharmacies that do not have the capability
to provide electronic reports;
(g) Notifying a patient, before or when a drug classified in schedules II through [IV] V is dis-
pensed to the patient, about the prescription monitoring program and the entry of the prescription
in the electronic system; and
(h) Registering practitioners with the electronic system.
(3) The authority shall submit an annual report to the commission regarding the prescription
monitoring program established under this section.

SECTION 2. ORS 431A.896 is amended to read:
is established as a subcommittee of the Prescription Monitoring Program Advisory Commission
created under ORS 431A.890, for the purpose of advising the Oregon Health Authority and the
commission on interpreting prescription information, understanding the clinical aspects of prescrib-
ing practices and evaluating prescribing practices.
(2)(a) The authority shall appoint the number of members to the subcommittee that the authority
determines is necessary to fulfill the functions of the subcommittee.
(b) Members of the subcommittee must be practitioners who:
(A) Hold a valid license issued in this state or a valid emeritus license issued in this state;
(B) Are registered with the federal Drug Enforcement Administration to prescribe drugs classi-
ified in schedules II through [IV] V; and
(C) Have at least five years of experience prescribing drugs classified in schedules II through
[IV] V.
(c) To the extent feasible, the authority shall appoint one member to the subcommittee for each
type of practitioner in this state that prescribes drugs classified in schedules II through [IV] V.

SECTION 3. (1) The amendments to ORS 431A.855 by section 1 of this 2023 Act apply to
prescription drugs dispensed on or after the operative date specified in section 4 of this 2023
Act.
(2) The amendments to ORS 431A.896 by section 2 of this 2023 Act apply to members of
the Prescription Monitoring Program Prescribing Practices Review Subcommittee appointed
on and after the operative date specified in section 4 of this 2023 Act.

SECTION 4. (1) The amendments to ORS 431A.855 and 431A.896 by sections 1 and 2 of this
2023 Act become operative on January 1, 2024.
(2) The Oregon Health Authority may take any action before the operative date specified
in subsection (1) of this section that is necessary to enable the authority to exercise, on and
after the operative date specified in subsection (1) of this section, all of the duties, functions
and powers conferred on the authority by the amendments to ORS 431A.855 and 431A.896 by
sections 1 and 2 of this 2023 Act.

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