

IN THE SENATE

SENATE BILL NO. 1241

BY BOCK

AN ACT

1 RELATING TO PRESCRIPTIONS; AMENDING SECTION 37-2730A, IDAHO CODE, TO PRO-
2 VIDE FOR REVIEW OF THE PRESCRIPTION MONITORING PROGRAM BY PRACTITION-
3 ERS.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 37-2730A, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 37-2730A. PRESCRIPTION TRACKING PROGRAM. (1) The board shall maintain
9 a program to track the prescriptions for controlled substances that are
10 filed with the board under section 37-2726, Idaho Code, for the purpose of
11 assisting in identifying illegal activity related to the dispensing of con-
12 trolled substances and for the purpose of assisting the board in providing
13 information to patients, practitioners and pharmacists to assist in avoid-
14 ing inappropriate use of controlled substances. The tracking program and
15 any data created thereby shall be administered by the board.

16 (2) The board shall use the information obtained through the tracking
17 program in identifying activity it reasonably suspects may be in violation
18 of this chapter or medical assistance law. The board shall report this in-
19 formation to the individuals and persons set forth in section 37-2726(2),
20 Idaho Code. The board may provide the appropriate law enforcement agency,
21 medicaid or medicare agency or licensing board with the relevant information
22 in the board's possession, including information obtained from the tracking
23 program, for further investigation, or other appropriate law enforcement or
24 administrative enforcement use.

25 (3) Information, which does not identify individual patients, prac-
26 titioners or dispensing pharmacists or pharmacies, may be released by the
27 board for educational, research or public information purposes.

28 (4) Unless there is shown malice or criminal intent or gross negligence
29 or reckless, willful and wanton conduct as defined in section 6-904C, Idaho
30 Code, the state of Idaho, the board, any other state agency, or any person,
31 or entity in proper possession of information as herein provided shall not be
32 subject to any liability or action for money damages or other legal or equi-
33 table relief by reason of any of the following:

34 (a) The furnishing of information under the conditions herein pro-
35 vided;

36 (b) The receiving and use of, or reliance on, such information;

37 (c) The fact that any such information was not furnished; or

38 (d) The fact that such information was factually incorrect or was re-
39 leased by the board to the wrong person or entity.

40 (5) The board may apply for any available grants and accept any gifts,
41 grants or donations to assist in developing and maintaining the program re-
42 quired by this section.

- 1 (6) A practitioner shall, before writing a prescription for a con-
2 trolled substance listed in schedule II, III or IV for a patient, obtain a
3 report regarding such patient for the preceding twelve (12) months from the
4 prescription monitoring program established by the board pursuant to sec-
5 tion 37-2726, Idaho Code, and shall review such report to assess whether the
6 prescription for the controlled substance is medically necessary, if:
7 (a) The patient is a new patient of the practitioner; or
8 (b) The patient has not received any prescription for a controlled sub-
9 stance from the practitioner in the preceding twelve (12) months.