

A BILL FOR

An Act relating to controlled substances, including amending information collection and reporting requirements under the Iowa prescription monitoring program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

IOWA PRESCRIPTION MONITORING PROGRAM INFORMATION

Section 1. Section 124.553, subsection 1, paragraph a, subparagraph 1, Code 2020, is amended to read as follows:

- a. (1) A pharmacist, licensed veterinarian or prescribing practitioner who requests the information and certifies in a form specified by the board that it is for the purpose of providing medical or pharmaceutical care to a patient of the pharmacist, licensed veterinarian or prescribing practitioner. A pharmacist, licensed veterinarian or prescribing practitioner may delegate program information access to another authorized individual or agent only if that individual or agent registers for program information access, pursuant to board rules, as an agent of the pharmacist, licensed veterinarian or prescribing practitioner. Board rules shall identify the qualifications for a pharmacist's, licensed veterinarian's or prescriber practitioner's agent and shall limit the number of agents to whom each pharmacist, licensed veterinarian or prescribing practitioner may delegate program information access.

Sec. 2. Section 124.553, subsections 5 and 6, Code 2020, are amended to read as follows:

5. Nothing in this section shall require a pharmacist, licensed veterinarian or prescribing practitioner to obtain information about a patient from the program. A pharmacist, licensed veterinarian or prescribing practitioner does not have a duty and shall not be held liable in damages to any person in any civil or derivative criminal or administrative action for injury, death, or loss to person or property on the basis that the pharmacist, licensed veterinarian or prescribing practitioner did or did not seek or obtain or use information from the program. A pharmacist, licensed veterinarian or prescribing practitioner acting reasonably and in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting or receiving or using information from the program.

6. The board shall not charge a fee to a pharmacy, pharmacist, licensed veterinarian, or prescribing practitioner for the establishment, maintenance, or administration of the program, including costs for forms required to submit information to or access information from the program, except that the board may charge a fee to an individual who requests the individual's own program information. A fee charged pursuant to this subsection shall not exceed the actual cost of providing the requested information and shall be considered a repayment receipt as defined in section 8.2.

Sec. 3. Section 124.554, subsection 1, paragraph g, Code 2020, is amended to read as follows:

~~g. Including all schedule II, schedule III, and schedule IV controlled substances, those substances in schedules III and IV that the advisory council and board determine can be addictive or fatal if not taken under the proper care and direction of a prescribing practitioner, schedule V controlled substances including when dispensed by a pharmacist without a prescription, except for sales of pseudoephedrine which are reported to the real-time electronic repository, and opioid antagonists, and other prescription substances that the advisory council and board determine can be addictive or fatal if not taken under the proper care and direction of a prescribing practitioner.~~

Sec. 4. Section 124.554, subsection 2, Code 2020, is amended to read as follows:

2. Beginning ~~January~~ February 1, ~~2007~~ 2020, and annually by ~~January~~ February 1 thereafter, the board and advisory council shall present to the general assembly and the governor a report prepared consistent with section 124.555, subsection 3, paragraph “d”, which shall include but not be limited to the following:

a. The cost to the state of implementing and maintaining the program.

b. Information from pharmacies, prescribing practitioners, the board, the advisory council, and others regarding the benefits or detriments of the program.

c. Information from pharmacies, prescribing practitioners, the board, the advisory council, and others regarding the board’s effectiveness in providing information from the program.

Sec. 5. Section 124.554, subsection 3, paragraph “a”, Code 2020, is amended to read as follows:

3. a. ~~Beginning February 1, 2019, and annually~~ Annually by February 1 thereafter, the board shall electronically, and at as low a cost as possible, issue each prescribing practitioner who prescribed a controlled substance reported to the program as dispensed in the preceding calendar year in this state a prescribing practitioner activity report which shall include but not be limited to the following:

(1) A summary of the prescribing practitioner’s history of prescribing controlled substances.

(2) A comparison of the prescribing practitioner’s history of prescribing controlled substances with the history of other prescribing practitioners of the same profession or specialty.

(3) The prescribing practitioner’s history of program use.

(4) General patient risk factors.

(5) Educational updates.

(6) Other pertinent information identified by the board and advisory council by rule.

EXPLANATION

This bill allows a licensed veterinarian to register for and access information from the Prescription Monitoring Program (PMP).

The bill expands reporting to the PMP of schedule V controlled substances, including when dispensed by a pharmacist without a prescription but except for sales of pseudoephedrine which are reported to the real-time electronic repository, and other prescription substances that the advisory council and board determine can be addictive or fatal if not taken under the proper care and direction of a prescribing practitioner.

The bill also changes the due date for annual reports to the governor and legislature regarding the PMP from January 1 to February 1.