

HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by House Committee on Health and Welfare to Engrossed Senate Bill No. 477 by Senator LaFleur

1 AMENDMENT NO. 1

2 On page 1, line 2, delete "enact R.S. 37:1164(59) and 1226.4;" and insert in lieu thereof the
3 following:

4 "amend and reenact the heading of Part IV of Chapter 14 of Title 37 of the Louisiana
5 Revised Statutes of 1950 and to enact R.S. 37:1164(59) through (62), 1226.4, and
6 1252,"

7 AMENDMENT NO. 2

8 On page 1, line 3, delete "a definition of chart order" and insert in lieu thereof "definitions"

9 AMENDMENT NO. 3

10 On page 1, delete line 4 in its entirety and insert in lieu thereof the following:

11 "transmission of chart orders between certain health facilities and pharmacies; to
12 establish limitations relative to prescription drug information and other information
13 sent by electronic data intermediaries or acquired from electronic prescriptions or
14 prescription forms;"

15 AMENDMENT NO. 4

16 On page 1, at the beginning of line 5, delete "alphabetize the definition list;"

17 AMENDMENT NO. 5

18 On page 1, line 7, delete "R.S. 37:1164(59) and 1226.4" and insert in lieu thereof "The
19 heading of Part IV of Chapter 14 of Title 37 of the Louisiana Revised Statutes of 1950 is
20 hereby amended and reenacted and R.S. 37:1164(59) through (62), 1226.4, and 1252"

21 AMENDMENT NO. 6

22 On page 1, line 12, delete "**Order**" and insert in lieu thereof "**order**"

23 AMENDMENT NO. 7

24 On page 2, between lines 11 and 12, insert the following:

25 **"(60) "Data-mining" means the practice of electronically sorting data**
26 **or metadata through pattern-based queries, searches, statistical modeling,**
27 **intelligent technologies, and other analyses to discover patterns, anomalies,**
28 **relationships, or any other predictive indicator in electronic databases.**

29 **(61) "Electronic data intermediary" means an entity that provides**
30 **infrastructure which connects computer systems or other electronic devices**
31 **utilized by and between a practitioner dispensing prescriptions, pharmacies,**
32 **and pharmacy benefit managers, and healthcare practitioners and entities,**
33 **including administrators, agents, and contractors of those persons and entities,**
34 **to facilitate the secure transmission of electronic prescription orders, refill**

1 authorization requests, communications, and other patient prescription drug
2 information.

3
4 (62) "Patient prescription drug information" means data that is
5 conveyed by or on behalf of a practitioner in ordering a prescription drug or
6 device before being dispensed and that identifies the patient as the recipient of
7 the prescription drug or device. The term also includes any data or metadata
8 concerning the dispensing of a drug or device that identifies a patient as having
9 been the recipient of a prescription drug or device, whether this data is held by
10 a practitioner, pharmacy, or another entity."

11 AMENDMENT NO. 8

12 On page 2, delete lines 28 and 29 in their entirety and insert in lieu thereof the following:

13 "PART VI. DISCLOSURE OF PRESCRIPTION DRUG PRICE INFORMATION

14 * * *

15 §1252. Disclosure of patient prescription drug information

16 A. No patient prescription drug information or any other information
17 sent by an electronic data intermediary or acquired from an electronic
18 prescription or prescription form, including rebate information, discount codes,
19 or preferred provider information, may be licensed, transferred, received, or
20 used for data-mining or marketing purposes, by any person or entity. No such
21 data intermediary shall alter or allow unauthorized access to prescription
22 transactions prior to its receipt by the pharmacy of the patient's choice.

23 B. No patient prescription drug information or any other information
24 sent by an electronic data intermediary or acquired from an electronic
25 prescription or prescription form may be re-identified from anonymized data
26 or released to third parties, including data detached of personal identifiers.

27 C. Failure to comply with any provision of this Section shall be an unfair
28 method of competition and an unfair or deceptive act or practice subject to the
29 provisions of R.S. 51:1401 et seq."