

1                                   **CONTROLLED SUBSTANCE DATABASE -**  
2                                   **REPORTING FOR OVERDOSE OF A**  
3                                   **PRESCRIBED CONTROLLED SUBSTANCE**

4                                   2010 GENERAL SESSION

5                                   STATE OF UTAH

6                                   **Chief Sponsor: Bradley M. Daw**

7                                   Senate Sponsor: \_\_\_\_\_

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9                                   **LONG TITLE**

10                                  **Committee Note:**

11                                  The Health and Human Services Interim Committee recommended this bill.

12                                  **General Description:**

13                                  This bill amends provisions of the Utah Health Code and the Utah Controlled  
14                                  Substances Act to provide for notification to a practitioner when a patient is admitted to  
15                                  a hospital for an overdose involving a controlled substance that the practitioner may  
16                                  have prescribed to the patient.

17                                  **Highlighted Provisions:**

18                                  This bill:

19                                  ▶ requires that, when a health care provider admits a patient to a hospital for an  
20                                  overdose involving a prescribed controlled substance, the health care provider must  
21                                  report the overdose and other information to the Division of Occupational and  
22                                  Professional Licensing (DOPL);

23                                  ▶ requires that, when DOPL receives a report described in the preceding paragraph,  
24                                  DOPL must notify each practitioner that may have written a prescription for the  
25                                  controlled substance of the overdose and certain information relating to the  
26                                  overdose; and

27                                  ▶ makes technical changes.



28 **Monies Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 ENACTS:

34 **26-7-6**, Utah Code Annotated 1953

35 **58-37-7.9**, Utah Code Annotated 1953



37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **26-7-6** is enacted to read:

39 **26-7-6. Health care provider to report prescribed controlled substance overdose.**

40 A health care provider who admits a patient into a hospital for an overdose involving a  
41 prescribed controlled substance shall, within three business days after the day on which the  
42 patient is admitted, send a report to the Division of Occupational and Professional Licensing,  
43 created in Section 58-1-103, of:

44 (1) the patient's name;

45 (2) each drug found in the patient's system that may have contributed to the overdose;

46 and

47 (3) the name of each person who prescribed a drug described in Subsection (2) to the  
48 patient, if known.

49 Section 2. Section **58-37-7.9** is enacted to read:

50 **58-37-7.9. Reporting prescribed controlled substance overdose to a practitioner.**

51 (1) The definitions in Subsection 58-37-7.5(1) apply to this section.

52 (2) If the division receives a report from a health care provider under Section 26-7-6,  
53 relating to a hospital admission of a patient for a prescribed controlled substance overdose, the  
54 division shall, within three business days:

55 (a) attempt to identify, through the database, each practitioner who may have  
56 prescribed the controlled substance to the patient; and

57 (b) provide each practitioner identified under Subsection (2)(a) with:

58 (i) a copy of the information provided by the health care provider under Section

59 26-7-6; and

60 (ii) the information obtained from the database that led the division to determine that  
61 the practitioner receiving the information may have prescribed the controlled substance to the  
62 patient.

63 (3) It is the intent of the Legislature that the information provided under Subsection  
64 (2)(b) is provided for the purpose of assisting the practitioner in:

65 (a) discussing issues relating to the overdose;

66 (b) advising the patient on measures that may be taken to avoid a future overdose; and

67 (c) making decisions regarding future prescriptions written for the patient.

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**Legislative Review Note**  
**as of 11-18-09 1:24 PM**

**Office of Legislative Research and General Counsel**

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**Fiscal Note****H.B. 35 - Controlled Substance Database - Reporting for Overdose of a Prescribed Controlled Substance**

2010 General Session

State of Utah

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**State Impact**

To comply with the provisions of this bill, it is estimated that the Department of Commerce would need 0.5 FTE and related costs for a total of \$31,500 in FY 2011. Commerce Service Fund spending affects the annual transfer to the General Fund.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
General Fund	\$0	\$0	\$0	\$0	(\$29,100)	(\$29,100)
General Fund, One-Time	\$0	\$0	\$0	\$0	(\$2,400)	\$0
Commerce Service Fund	\$0	\$29,100	\$29,100	\$0	\$0	\$0
Commerce Service, One-time	\$0	\$2,400	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$31,500</b>	<b>\$29,100</b>	<b>\$0</b>	<b>(\$31,500)</b>	<b>(\$29,100)</b>

**Individual, Business and/or Local Impact**

Physicians and Hospitals will incur costs associated with providing the required reports to the Department of Commerce.