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SENATE BILL 5027

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State of Washington

64th Legislature

2015 Regular Session

By Senators Angel, Darneille, Dammeier, Keiser, Parlette, Cleveland,  
and Bailey

Prefiled 12/26/14.

1 AN ACT Relating to providing access to the prescription drug  
2 monitoring database for clinical laboratories; amending RCW  
3 70.225.040; and adding new sections to chapter 70.225 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.225.040 and 2011 1st sp.s. c 15 s 87 are each  
6 amended to read as follows:

7 (1) Prescription information submitted to the department  
8 (~~shall~~) must be confidential, in compliance with chapter 70.02 RCW  
9 and federal health care information privacy requirements and not  
10 subject to disclosure, except as provided in subsections (3) and (4)  
11 of this section.

12 (2) The department (~~shall~~) must maintain procedures to ensure  
13 that the privacy and confidentiality of patients and patient  
14 information collected, recorded, transmitted, and maintained is not  
15 disclosed to persons except as in subsections (3) and (4) of this  
16 section.

17 (3) The department may provide data in the prescription  
18 monitoring program to the following persons:

19 (a) Persons authorized to prescribe or dispense controlled  
20 substances, for the purpose of providing medical or pharmaceutical  
21 care for their patients;

1 (b) An individual who requests the individual's own prescription  
2 monitoring information;

3 (c) Health professional licensing, certification, or regulatory  
4 agency or entity;

5 (d) Appropriate local, state, and federal law enforcement or  
6 prosecutorial officials who are engaged in a bona fide specific  
7 investigation involving a designated person;

8 (e) Authorized practitioners of the department of social and  
9 health services and the health care authority regarding medicaid  
10 program recipients;

11 (f) The director or director's designee within the department of  
12 labor and industries regarding workers' compensation claimants;

13 (g) The director or the director's designee within the department  
14 of corrections regarding offenders committed to the department of  
15 corrections;

16 (h) Other entities under grand jury subpoena or court order;  
17 ((and))

18 (i) Personnel of the department for purposes of administration  
19 and enforcement of this chapter or chapter 69.50 RCW; and

20 (j) Personnel of a test site that meet the standards under  
21 subsection (2) of this section pursuant to an agreement between the  
22 test site and a person identified in (a) of this subsection to  
23 provide assistance in determining which medications are being used by  
24 an identified patient who is under the care of that person.

25 (4) The department may provide data to public or private entities  
26 for statistical, research, or educational purposes after removing  
27 information that could be used to identify individual patients,  
28 dispensers, prescribers, and persons who received prescriptions from  
29 dispensers.

30 (5) A dispenser or practitioner acting in good faith is immune  
31 from any civil, criminal, or administrative liability that might  
32 otherwise be incurred or imposed for requesting, receiving, or using  
33 information from the program.

34 NEW SECTION. Sec. 2. A new section is added to chapter 70.225  
35 RCW to read as follows:

36 Test sites that may receive access to data in the prescription  
37 monitoring program under RCW 70.225.040 must be:

38 (1) Physically located in Washington state;

1 (2) Licensed by the department as a test site under chapter 70.42  
2 RCW; and

3 (3) Certified as a drug testing laboratory by the United States  
4 department of health and human services, substance abuse and mental  
5 health services administration.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.225  
7 RCW to read as follows:

8 Laboratories that qualify under section 2 of this act may not  
9 store data accessed from the prescription drug monitoring database in  
10 any form, including but not limited to hard copies, electronic  
11 copies, or web/digital based copies of any kind. Further, such data  
12 may be used only to transmit to those entities listed in RCW  
13 70.255.040(3).

14 (1) Access to such data in the qualifying laboratory must be  
15 under the supervision of the responsible person as designated by the  
16 United States department of health and human services, substance  
17 abuse and mental health services administration certification  
18 program.

19 (2) Such data cannot be gathered, shared, sold, or used in any  
20 manner other than as designated under RCW 70.255.040, section 2 of  
21 this act, or this section.

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