

1 **SENATE FLOOR VERSION**

2 February 24, 2014

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1821

By: Griffin of the Senate

and

Cox of the House

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9 [Anti-Drug Diversion Act - central repository
10 information - certain persons - disclosure of certain
11 information - access to central repository
information - immunity - violations - hospice or end-
of-life care - effective date]

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14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-309D, as
16 last amended by Section 1, Chapter 162, O.S.L. 2013 (63 O.S. Supp.
17 2013, Section 2-309D), is amended to read as follows:

18 Section 2-309D. A. The information collected at the central
19 repository pursuant to the Anti-Drug Diversion Act shall be
20 confidential and shall not be open to the public. Access to the
21 information shall be limited to:

22 1. Peace officers certified pursuant to Section 3311 of Title
23 70 of the Oklahoma Statutes who are employed as investigative agents

1 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
2 Control;

3 2. The United States Drug Enforcement Administration Diversion
4 Group Supervisor;

5 3. The executive director or chief investigator, as designated
6 by each board, of the following state boards:

7 a. Board of Podiatric Medical Examiners,

8 b. Board of Dentistry,

9 c. State Board of Pharmacy,

10 d. State Board of Medical Licensure and Supervision,

11 e. State Board of Osteopathic Examiners,

12 f. State Board of Veterinary Medical Examiners,

13 g. Oklahoma Health Care Authority,

14 h. Department of Mental Health and Substance Abuse
15 Services, and

16 i. State Board of Health;

17 provided, however, that the executive director or chief investigator
18 of each of these boards shall be limited to access to information
19 relevant to licensees of the employing board of such executive
20 director or chief investigator;

21 4. A multicounty grand jury properly convened pursuant to the
22 Multicounty Grand Jury Act; ~~and~~

23 5. The Department of Mental Health and Substance Abuse Services
24 and the State Department of Health for statistical, research,

1 substance abuse prevention or educational purposes, provided that
2 the consumer's confidentiality is not compromised; and

3 6. At the discretion of the Director of the Oklahoma State
4 Bureau of Narcotics and Dangerous Drugs Control, medical
5 practitioners and their staff who are employed by the federal
6 government in this state.

7 B. This section shall not prevent the disclosure, at the
8 discretion of the Director of the Oklahoma State Bureau of Narcotics
9 and Dangerous Drugs Control, of investigative information to peace
10 officers and investigative agents of federal, state, county or
11 municipal law enforcement agencies, district attorneys and the
12 Attorney General in furtherance of criminal, civil or administrative
13 investigations or prosecutions within their respective
14 jurisdictions, and to registrants in furtherance of efforts to guard
15 against the diversion of controlled dangerous substances.

16 C. This section shall not prevent the disclosure, at the
17 discretion of the Director of the Oklahoma State Bureau of Narcotics
18 and Dangerous Drugs Control, of statistical information gathered
19 from the central repository to the general public which shall be
20 limited to types and quantities of controlled substances dispensed
21 and the county where dispensed.

22 D. Any unauthorized disclosure of any information collected at
23 the central repository provided by the Anti-Drug Diversion Act shall
24 be a misdemeanor. Violation of the provisions of this section shall

1 be deemed willful neglect of duty and shall be grounds for removal
2 from office.

3 E. ~~Notwithstanding the provisions of subsection B of this~~
4 ~~section, registrants shall have no requirement or obligation to~~
5 ~~access or check the information in the central repository prior to~~
6 ~~dispensing or administering medications or as part of their~~
7 ~~professional practices~~ Prior to prescribing or authorization of a
8 refill of any controlled dangerous substance, registrants or members
9 of their medical or administrative staff shall access and verify the
10 information in the central repository. Such information shall be
11 reviewed by the registrant to assess medical necessity and the
12 possibility that the person may be unlawfully obtaining prescription
13 drugs in violation of the Uniform Controlled Dangerous Substances
14 Act. The Director of the Oklahoma State Bureau of Narcotics and
15 Dangerous Drugs Control shall provide adequate means and procedures
16 allowing access to central repository information for registrants
17 lacking direct computer access. A record of compliance with these
18 prescriptive requirements shall be placed in the medical file of the
19 individual for whom the prescription is provided. Any subsequent
20 disclosure of that information to the individual for whom the
21 prescription is provided, either orally or through production of
22 medical records, shall not constitute an authorized disclosure of
23 central repository information. Such duty to access and check shall
24 not alter or otherwise amend appropriate medical standards of care.

1 Registrants shall not be liable for any claim for damages for
2 reporting the drug-seeking behavior of an individual following a
3 check of the information in the central repository pursuant to this
4 title. Violation of this duty shall be enforced, as appropriate,
5 through administrative action taken pursuant to Section 2-304 of
6 this title. Registrants shall not be liable to any person for any
7 claim of damages as a result of accessing or failing to access the
8 information in the central repository and no lawsuit may be
9 predicated thereon.

10 1. There shall be no requirement to access and check the
11 information in the central repository for prescriptions for hospice
12 or end-of-life care.

13 2. Nothing herein shall be construed to relieve a registrant
14 from any duty to monitor and report the sales of certain products
15 pursuant to subsection E of Section 2-309C of this title.

16 F. Information regarding nonfatal overdoses, other than
17 statistical information as required by Section 2-106 of this title,
18 shall be completely confidential. Access to this information shall
19 be strictly limited to the Director of the Oklahoma State Bureau of
20 Narcotics and Dangerous Drugs Control or designee, the Chief Medical
21 Examiner, and the registrant that enters the information.

22 Registrants shall not be liable to any person for a claim of damages
23 for information reported pursuant to the provisions of Section 2-105
24 of this title.

1 SECTION 2. This act shall become effective November 1, 2014.

2 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
3 February 24, 2014 - DO PASS AS AMENDED
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