

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 800, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Standridge

Standridge-AM-FS-Req#1627
3/14/2017 3:57 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 800

By: Standridge of the Senate

and

Kannady of the House

FLOOR SUBSTITUTE

An Act relating to controlled dangerous substances;
amending 63 O.S. 2011, Section 2-309D, as last
amended by Section 35, Chapter 210, O.S.L. 2016 (63
O.S. Supp. 2016, Section 2-309D), which relates to
central repository information; clarifying
references; permitting certain personnel to access
certain data under certain circumstances; permitting
certain referral; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-309D, as
last amended by Section 35, Chapter 210, O.S.L. 2016 (63 O.S. Supp.
2016, Section 2-309D), is amended to read as follows:

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

1 1. Peace officers certified pursuant to Section 3311 of Title
2 70 of the Oklahoma Statutes who are employed as investigative agents
3 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
4 Control;

5 2. The United States Drug Enforcement Administration Diversion
6 Group Supervisor;

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

- 9 a. Board of Podiatric Medical Examiners,
- 10 b. Board of Dentistry,
- 11 c. State Board of Pharmacy,
- 12 d. State Board of Medical Licensure and Supervision,
- 13 e. State Board of Osteopathic Examiners,
- 14 f. State Board of Veterinary Medical Examiners,
- 15 g. Oklahoma Health Care Authority,
- 16 h. Department of Mental Health and Substance Abuse
17 Services,
- 18 i. Board of Examiners in Optometry,
- 19 j. Oklahoma Board of Nursing,
- 20 k. Office of the Chief Medical Examiner, and
- 21 l. State Board of Health;

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

1 5. Medical practitioners employed by the United States
2 Department of Veterans Affairs, the United States Military, or other
3 federal agencies treating patients in this state; and

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

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

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

1 D. This section shall not prevent the disclosure, at the
2 discretion of the Director of the Oklahoma State Bureau of Narcotics
3 and Dangerous Drugs Control, of prescription-monitoring-program
4 information to prescription-monitoring programs of other states
5 provided a reciprocal data-sharing agreement is in place.

6 E. The Department of Mental Health and Substance Abuse Services
7 and the State Department of Health may utilize the information in
8 the central repository for statistical, research, substance abuse
9 prevention, or educational purposes, provided that consumer
10 confidentiality is not compromised.

11 F. An agent or analytical employee of the Oklahoma State Bureau
12 of Narcotics and Dangerous Drugs Control may utilize information in
13 the central repository where such use is appropriate to the proper
14 performance of his or her official duties, including the
15 investigation of individuals where there is reasonable suspicion to
16 believe the individual is unlawfully obtaining controlled dangerous
17 substances. Qualifying individuals determined to have unlawfully
18 obtained controlled dangerous substances may be referred to
19 treatment rather than criminal prosecution upon consultation with
20 the qualifying individual's prescribing practitioner(s) and the
21 Department of Mental Health and Substance Abuse Services.

22 G. Any unauthorized disclosure by an individual of any entity
23 or department having access to the central repository as provided by
24 this section of any information collected at the central repository

1 provided by the Anti-Drug Diversion Act shall be a misdemeanor.

2 Violation of the provisions of this section shall be deemed willful
3 neglect of duty and shall be grounds for removal from office.

4 ~~G.~~ H. 1. Registrants shall have access to the central
5 repository for the purposes of patient treatment and for
6 determination in prescribing or screening new patients. The
7 patient's history may be disclosed to the patient for the purposes
8 of treatment of information at the discretion of the physician.

9 2. a. Prior to prescribing or authorizing for refill, if one
10 hundred eighty (180) days have elapsed prior to the
11 previous access and check, of opiates, synthetic
12 opiates, semisynthetic opiates, benzodiazepine or
13 carisoprodol to a patient of record, registrants or
14 members of their medical or administrative staff shall
15 be required until October 31, 2020, to access the
16 information in the central repository to assess
17 medical necessity and the possibility that the patient
18 may be unlawfully obtaining prescription drugs in
19 violation of the Uniform Controlled Dangerous
20 Substances Act. The duty to access and check shall
21 not alter or otherwise amend appropriate medical
22 standards of care. The registrant or medical provider
23 shall note in the patient file that the central
24

1 repository has been checked and may maintain a copy of
2 the information.

3 b. The requirements set forth in subparagraph a of this
4 paragraph shall not apply:

5 (1) to medical practitioners who prescribe the
6 controlled substances set forth in subparagraph a
7 of this paragraph for hospice or end-of-life
8 care, or

9 (2) for a prescription of a controlled substance set
10 forth in subparagraph a of this paragraph that is
11 issued by a practitioner for a patient residing
12 in a nursing facility as defined by Section 1-
13 1902 of this title, provided that the
14 prescription is issued to a resident of such
15 facility.

16 3. Registrants shall not be liable to any person for any claim
17 of damages as a result of accessing or failing to access the
18 information in the central repository and no lawsuit may be
19 predicated thereon.

20 ~~H.~~ I. The State Board of Podiatric Examiners, the State Board
21 of Dentistry, the State Board of Medical Licensure and Supervision,
22 the State Board of Examiners in Optometry, the State Board of
23 Nursing, the State Board of Osteopathic Examiners and the State
24 Board of Veterinary Medical Examiners shall have the sole

1 responsibility for enforcement of the provisions of subsection ~~G~~ H
2 of this section. Nothing in this section shall be construed so as
3 to permit the Director of the State Bureau of Narcotics and
4 Dangerous Drugs Control to assess administrative fines provided for
5 in Section 2-304 of this title.

6 ~~F.~~ J. The Director of the Oklahoma State Bureau of Narcotics
7 and Dangerous Drugs Control, or a designee thereof, shall provide a
8 monthly list to the Directors of the State Board of Podiatric
9 Examiners, the ~~State~~ Board of Dentistry, the ~~State~~ Board of Medical
10 Licensure and Supervision, the State Board of Examiners in
11 Optometry, the ~~State~~ Oklahoma Board of Nursing, the State Board of
12 Osteopathic Examiners and the State Board of Veterinary Medical
13 Examiners of the top twenty prescribers of controlled dangerous
14 substances within their respective areas of jurisdiction. Upon
15 discovering that a registrant is prescribing outside the limitations
16 of his or her licensure or outside of drug registration rules or
17 applicable state laws, the respective licensing board shall be
18 notified by the Bureau in writing. Such notifications may be
19 considered complaints for the purpose of investigations or other
20 actions by the respective licensing board. Licensing boards shall
21 have exclusive jurisdiction to take action against a licensee for a
22 violation of subsection ~~G~~ H of this section.

23 ~~F.~~ K. Information regarding fatal and nonfatal overdoses, other
24 than statistical information as required by Section 2-106 of this

1 title, shall be completely confidential. Access to this information
2 shall be strictly limited to the Director of the Oklahoma State
3 Bureau of Narcotics and Dangerous Drugs Control or designee, the
4 Chief Medical Examiner, state agencies and boards provided in
5 subsection A of this section, and the registrant that enters the
6 information. Registrants shall not be liable to any person for a
7 claim of damages for information reported pursuant to the provisions
8 of Section 2-105 of this title.

9 ~~K.~~ L. The Director of the Oklahoma State Bureau of Narcotics
10 and Dangerous Drugs Control shall provide adequate means and
11 procedures allowing access to central repository information for
12 registrants lacking direct computer access.

13 ~~L.~~ M. Upon completion of an investigation in which it is
14 determined that a death was caused by an overdose, either
15 intentionally or unintentionally, of a controlled dangerous
16 substance, the medical examiner shall be required to report the
17 decedent's name and date of birth to the Oklahoma State Bureau of
18 Narcotics and Dangerous Drugs Control. The Oklahoma State Bureau of
19 Narcotics and Dangerous Drugs Control shall be required to maintain
20 a database containing the classification of medical practitioners
21 who prescribed or authorized controlled dangerous substances
22 pursuant to this subsection.

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SECTION 2. This act shall become effective November 1, 2017.

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