

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 16

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PRESCRIPTION TRACKING; AMENDING SECTION 37-2730A, IDAHO CODE,
TO CLARIFY THAT PHARMACISTS AND PRACTITIONERS MAY SHARE INFORMATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 37-2730A, Idaho Code, be, and the same is hereby amended to read as follows:

37-2730A. PRESCRIPTION TRACKING PROGRAM. (1) The board shall maintain a program to track the prescriptions for controlled substances that are filed with the board under section 37-2726, Idaho Code, for the purpose of assisting in identifying illegal activity related to the dispensing of controlled substances and for the purpose of assisting the board in providing information to patients, practitioners and pharmacists to assist in avoiding inappropriate use of controlled substances. The tracking program and any data created thereby shall be administered by the board.

(2) The board shall use the information obtained through the tracking program in identifying activity it reasonably suspects may be in violation of this chapter or medical assistance law. The board shall report this information to the individuals and persons set forth in section 37-2726(2), Idaho Code. The board may release unsolicited information to pharmacists and practitioners when the release of information may be of assistance in preventing or avoiding inappropriate use of controlled substances. The board may provide the appropriate law enforcement agency, medicaid or medicare agency or licensing board with the relevant information in the board's possession, including information obtained from the tracking program, for further investigation, or other appropriate law enforcement or administrative enforcement use.

(3) Information, which does not identify individual patients, practitioners or dispensing pharmacists or pharmacies, may be released by the board for educational, research or public information purposes.

(4) Nothing herein shall prevent a pharmacist or practitioner from furnishing another pharmacist or practitioner information obtained pursuant to and in compliance with this chapter.

(5) Unless there is shown malice or criminal intent or gross negligence or reckless, willful and wanton conduct as defined in section 6-904C, Idaho Code, the state of Idaho, the board, any other state agency, or any person, or entity in proper possession of information as herein provided shall not be subject to any liability or action for money damages or other legal or equitable relief by reason of any of the following:

- (a) The furnishing of information under the conditions herein provided;
- (b) The receiving and use of, or reliance on, such information;
- (c) The fact that any such information was not furnished; or

1 (d) The fact that such information was factually incorrect or was re-
2 leased by the board to the wrong person or entity.

3 (~~5~~6) The board may apply for any available grants and accept any gifts,
4 grants or donations to assist in developing and maintaining the program re-
5 quired by this section.