

HOUSE BILL NO. HB0294

Prescription drug database.

Sponsored by: Representative(s) Simpson, Blake and Pedersen and Senator(s) Scott

A BILL

for

1 AN ACT relating to controlled substances; requiring the
2 Wyoming state board of pharmacy to create a pilot project
3 for the real-time reporting of data to, and access to data
4 from, the controlled substance prescription tracking
5 program; establishing a method for assisting persons who
6 must participate in the pilot program; providing an
7 appropriation; and providing for effective dates.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 35-7-1061 and 35-7-1062 are created
12 to read:

13

14 **35-7-1061. Pilot program for real-time database data**
15 **entry and access.**

16

1 (a) There is established a pilot program for real-
2 time reporting of data to, and access to data from, the
3 controlled substance prescription tracking program,
4 established by W.S. 35-7-1060, beginning July 1, 2010 and
5 ending June 30, 2012.

6
7 (b) In addition to fulfilling the requirements of
8 W.S. 35-7-1060 on a statewide basis, the board shall
9 upgrade, modify, administer and direct the functioning of
10 the controlled substance prescription tracking program in
11 geographical areas specified by the board, or on a
12 statewide basis, in a manner that provides real-time
13 reporting of information entered into, and accessed from,
14 the program. The pilot program also shall:

15
16 (i) Allow authorized persons to access the
17 program, portions of the program or certain reports
18 generated by the program from remote locations;

19
20 (ii) Create a means of verifying the identity of
21 persons seeking access to the program;

22
23 (iii) Develop programs to educate persons who
24 are authorized to receive information from the program and

1 persons who are required to submit information to the
2 program about the pilot project and the methods by which
3 the pilot program can be used to better avoid the
4 inappropriate use of controlled substances and the
5 identification of illegal activity related to the
6 dispensing of controlled substances;

7

8 (iv) Develop means of sharing relevant
9 prescription drug information with other states who
10 maintain prescription drug monitoring programs using the
11 prescription monitoring information exchange specifications
12 adopted by the United States department of justice.

13

14 (c) The requirements and obligations imposed by W.S.
15 35-7-1060 shall be applicable to the pilot program
16 administered under this section to the extent they do not
17 conflict with the requirements and obligations of this
18 section.

19

20 (d) All persons to whom W.S. 35-7-1060 applies shall
21 cooperate with the board to provide real-time submission
22 of, and access to, information for the pilot program:

23

1 (i) Within the pilot area as determined by the
2 board under subsection (b) of this section;

3

4 (ii) When the board implements the pilot program
5 as a permanent program under subsection (g) of this
6 section, on a statewide basis.

7

8 (e) The board may promulgate rules and regulations as
9 are necessary to create and operate the pilot program
10 required by this section. The rules may include a provision
11 allowing nonresident persons who are required to submit
12 data to the program up to twenty-four (24) hours to submit
13 data.

14

15 (f) Each year starting in 2010 and ending in 2012, on
16 or before June 30, the board shall report to the joint
17 labor, health and social services interim committee
18 regarding:

19

20 (i) The implementation, operation and impact of
21 the pilot program established in this section;

22

23 (ii) The progress made by the board in
24 implementing the pilot program on a statewide basis;

1

2 (iii) The advisability of, and projected cost
3 of, implementing the pilot program on a statewide basis;

4

5 (iv) Any education sessions offered to the
6 public regarding the pilot project and participation at
7 those educational sessions;

8

9 (v) Use of the pilot program by those persons
10 entitled to receive information from the program; and

11

12 (vi) Other information which the board believes
13 is relevant.

14

15 (g) The board shall, on or before July 1, 2012,
16 implement the pilot program as a permanent program on a
17 statewide basis.

18

19 (h) The board shall submit an application to the
20 United States department of justice and department of
21 health and human services for all available grant monies to
22 fund the pilot project required by this section.

23

1 (j) To the extent federal funds are available to fund
2 the pilot project required by this section, the board may
3 expend any monies appropriated by the legislature in such
4 minimum amount as may be necessary to qualify to receive
5 the federal funds. At such time as all federal funds are
6 exhausted, the board is authorized to use any remaining
7 state funds consistent with all limitations imposed on such
8 funds in their appropriation.

9

10 **35-7-1062. Pilot program implementation assistance.**

11

12 (a) To the extent funds are available, the board may
13 provide, free of charge, to any person required to submit
14 data to the pilot project outlined in W.S. 35-7-1061,
15 software, software installation assistance and training
16 that will enable the person to comply with W.S. 35-7-1061.

17

18 (b) Notwithstanding subsection (a) of this section, a
19 person required to submit data to the pilot project may,
20 instead of accepting installation of the software provided
21 by the board, modify its own software in order to comply
22 with W.S. 35-7-1061. Such modification shall be made:

23

1 (i) After giving the board written notice that
2 the board's software will not be needed;

3

4 (ii) Within six (6) months after the board
5 notifies the person, in writing, of the board's intention
6 to install the software described in subsection (a) of this
7 section;

8

9 (iii) Except as provided in subsection (d) of
10 this section, at the expense of the person making the
11 modification;

12

13 (iv) In consultation with the board; and

14

15 (v) In a way that will assure that the software
16 is functionally compatible with the database and software
17 used by the board to operate the pilot program.

18

19 (c) The board shall cooperate with persons who are
20 required to participate in the pilot program to ensure that
21 the installation and operation of the software described in
22 subsection (a) or (b) of this section, or the provision of
23 information from the person to the program:

24

1 (i) Ensures the confidentiality of all
2 information;

3

4 (ii) Does not interfere with the proper
5 functioning of existing software or computer systems used
6 by the person; and

7

8 (iii) In order to minimize changes in existing
9 protocols, provides, to the extent practicable, for the
10 transmission of data in the same manner that data is
11 currently transmitted to insurance companies.

12

13 (d) The board may, with funds appropriated by the
14 legislature for this purpose or grant monies received from
15 the federal government, reimburse a person for all or part
16 of the costs of the in-house programming described in
17 subsection (b) of this section, if:

18

19 (i) The person requests the reimbursement in
20 writing;

21

22 (ii) The person provides to the board proof of
23 the costs for the in-house programming;

24

1 (iii) The person requests the reimbursement
2 prior to a deadline established by the board; and

3

4 (iv) Except as provided in subsection (e) of
5 this section, the board pays an equal reimbursement amount
6 to each person that complies with paragraphs (d)(i) through
7 (iii).

8

9 (e) The board may reimburse a person described in
10 paragraph (d)(iv) of this section for an amount that is
11 less than the reimbursement paid to other persons described
12 in paragraph (d)(iv) of this section if:

13

14 (i) The proof of costs for in-house programming
15 provided by the person establishes a cost less than the
16 amount reimbursed to the other persons; and

17

18 (ii) The amount reimbursed to the person is
19 equal to the amount established by the proof of costs for
20 in-house programming submitted by the person.

21

22 **Section 2.** There is appropriated two hundred seventy-
23 five thousand dollars (\$275,000.00) from the general fund
24 to the account created by W.S. 33-24-109 for the benefit of

1 the Wyoming state pharmacy board. This appropriation shall
2 be for the period beginning with the earliest effective
3 date of this act and ending June 30, 2012. This
4 appropriation shall only be expended for the purpose of
5 establishing and maintaining the pilot program for real-
6 time reporting of data to, and access to data from, the
7 controlled substance prescription tracking program, as
8 described in this act. This appropriation includes amounts
9 necessary to accomplish the purposes stated in W.S.
10 35-7-1062, created by this act, and expenditures for such
11 purposes are hereby authorized. Notwithstanding any other
12 provision of law, this appropriation shall not be
13 transferred or expended for any other purpose and any
14 unexpended, unobligated funds remaining from this
15 appropriation shall revert as provided by law on June 30,
16 2012. W.S. 9-4-207 shall not act to revert unexpended or
17 unobligated funds prior to June 30, 2012. This
18 appropriation shall not be included in the board's 2011-
19 2012 standard biennial budget request.

20

21 **Section 3.** The Wyoming state board of pharmacy may
22 adopt rules and regulations to implement the provisions of
23 this act upon the effective date of this section.

24

1 **Section 4.**

2

3 (a) Section 3 of this act is effective immediately
4 upon completion of all acts necessary for a bill to become
5 law as provided by Article 4, Section 8 of the Wyoming
6 Constitution.

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8 (b) Except as provided in subsection (a) of this
9 section, this act is effective July 1, 2009.

10

11

(END)