

House File 2136 - Introduced

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BY PETTENGILL

A BILL FOR

1 An Act relating to pharmacies, including prescription
2 requirements and patient privacy, and making penalties
3 applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 155A.29, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 1A. A prescription for any prescription
4 drug which is not a controlled substance may provide for a
5 ninety-day supply of the drug.

6 Sec. 2. Section 155A.35, Code 2011, is amended to read as
7 follows:

8 **155A.35 Patient medication records — confidentiality.**

9 1. A licensed pharmacy shall maintain patient medication
10 records in accordance with rules adopted by the board. The
11 rules may provide exceptions to the consent requirement in
12 subsection 2 in situations where the board determines that
13 release of a record is necessary for the patient's health,
14 safety, or welfare.

15 2. Confidential information in a patient medication record
16 shall not be released to any person without the consent of
17 the patient, except as provided in this section. Any person
18 receiving a patient medication record is subject to the same
19 restriction.

20 3. A patient medication record shall not be used for a
21 commercial purpose.

22 4. As used in this section, "confidential information" means
23 information accessed or maintained by a pharmacy in a patient's
24 medication records which contains personally identifiable
25 information that could be used to identify the patient.

26 "Confidential information" includes but is not limited to the
27 patient's name, address, telephone number, and social security
28 number; the prescriber's name and address; and prescription
29 and drug or device information such as the therapeutic
30 effect, diagnosis, allergies, disease state, pharmaceutical
31 services rendered, medical information, and drug interactions,
32 regardless of whether such information is communicated to or
33 from the patient, is in the form of paper, is preserved on
34 microfilm, or is stored on electronic media.

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EXPLANATION

1 This bill allows for 90-day prescriptions of drugs which are
2 not controlled substances.

3 The bill also establishes confidentiality requirements
4 requiring patient consent before confidential information in
5 a patient's medication records can be released and provides
6 that any recipient of a medication record is bound by the same
7 confidentiality restriction. The bill prohibits the use of
8 medication records for a commercial purpose. "Confidential
9 information" includes the patient's name, address, telephone
10 number, and social security number; prescriber name and
11 address; and prescription and drug information.

12 The bill provides that the board of pharmacy may, by rule,
13 provide exceptions to the consent requirement in situations
14 where the board determines that release of a record is
15 necessary for the patient's health, safety, or welfare.

16 Violators of the bill may be punished by the board of
17 pharmacy with licensing sanctions or civil penalties and also
18 commit a simple misdemeanor.