

House File 2218 - Introduced

HOUSE FILE 2218
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 532)

A BILL FOR

1 An Act relating to controlled substances, including information
2 collection and reporting requirements under the Iowa
3 prescription monitoring program.

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

1 Section 1. Section 124.551, subsection 2, paragraph b, Code
2 2020, is amended to read as follows:

3 b. The information collected shall be used by prescribing
4 practitioners, veterinarians, and pharmacists on a need-to-know
5 basis for purposes of improving patient health care by
6 facilitating early identification of patients who may be at
7 risk for addiction, or who may be using, abusing, or diverting
8 drugs for unlawful or otherwise unauthorized purposes at risk
9 to themselves and others, or who may be appropriately using
10 controlled substances lawfully prescribed for them but unknown
11 to the practitioner.

12 Sec. 2. Section 124.553, subsection 1, paragraph a,
13 subparagraph (1), Code 2020, is amended to read as follows:

14 (1) A pharmacist, veterinarian, or prescribing practitioner
15 who requests the information and certifies in a form specified
16 by the board that it is for the purpose of providing medical
17 or pharmaceutical care to a patient of the pharmacist,
18 veterinarian, or prescribing practitioner. A pharmacist,
19 veterinarian, or a prescribing practitioner may delegate
20 program information access to another authorized individual or
21 agent only if that individual or agent registers for program
22 information access, pursuant to board rules, as an agent of the
23 pharmacist, veterinarian, or prescribing practitioner. Board
24 rules shall identify the qualifications for a pharmacist's,
25 veterinarian's, or prescribing practitioner's agent and
26 shall limit the number of agents to whom each pharmacist,
27 veterinarian, or prescribing practitioner may delegate program
28 information access.

29 Sec. 3. Section 124.553, subsections 5 and 6, Code 2020, are
30 amended to read as follows:

31 5. Nothing in **this section** shall require a pharmacist,
32 veterinarian, or prescribing practitioner to obtain information
33 about a patient from the program. A pharmacist, veterinarian,
34 or prescribing practitioner does not have a duty and shall
35 not be held liable in damages to any person in any civil or

1 derivative criminal or administrative action for injury, death,
2 or loss to person or property on the basis that the pharmacist,
3 veterinarian, or prescribing practitioner did or did not seek
4 or obtain or use information from the program. A pharmacist,
5 veterinarian, or prescribing practitioner acting reasonably
6 and in good faith is immune from any civil, criminal, or
7 administrative liability that might otherwise be incurred or
8 imposed for requesting or receiving or using information from
9 the program.

10 6. The board shall not charge a fee to a pharmacy,
11 pharmacist, veterinarian, or prescribing practitioner for the
12 establishment, maintenance, or administration of the program,
13 including costs for forms required to submit information to or
14 access information from the program, except that the board may
15 charge a fee to an individual who requests the individual's own
16 program information. A fee charged pursuant to [this subsection](#)
17 shall not exceed the actual cost of providing the requested
18 information and shall be considered a repayment receipt as
19 defined in [section 8.2](#).

20 Sec. 4. Section 124.554, subsection 1, paragraph g, Code
21 2020, is amended to read as follows:

22 *g.* Including all schedule II, schedule III, and schedule IV
23 controlled substances, those substances in schedules III and IV
24 that the advisory council and board determine can be addictive
25 or fatal if not taken under the proper care and direction of
26 a prescribing practitioner, schedule V controlled substances
27 including when dispensed by a pharmacist without a prescription
28 except for sales of pseudoephedrine that are reported to the
29 real-time electronic repository, and opioid antagonists, and
30 other prescription substances that the advisory council and
31 board determine can be addictive or fatal if not taken under
32 the proper care and direction of a prescribing practitioner.

33 Sec. 5. Section 124.554, subsection 2, unnumbered paragraph
34 1, Code 2020, is amended to read as follows:

35 Beginning ~~January~~ February 1, 2007 2021, and annually by

1 ~~January~~ February 1 thereafter, the board and advisory council
2 shall present to the general assembly and the governor a
3 report prepared consistent with section 124.555, subsection 3,
4 paragraph "d", which shall include but not be limited to the
5 following:

6 Sec. 6. Section 124.554, subsection 3, paragraph a,
7 unnumbered paragraph 1, Code 2020, is amended to read as
8 follows:

9 ~~Beginning February 1, 2019, and annually~~ Annually by
10 February 1 thereafter, the board shall electronically, and at
11 as low a cost as possible, issue each prescribing practitioner
12 who prescribed a controlled substance reported to the program
13 as dispensed in the preceding calendar year in this state a
14 prescribing practitioner activity report which shall include
15 but not be limited to the following:

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill relates to the Iowa prescription monitoring
20 program (PMP). The bill allows veterinarians to register
21 for and access information from the PMP. The bill expands
22 PMP reporting requirements to all schedule III and schedule
23 IV controlled substances and to all schedule V controlled
24 substances except for sales of pseudoephedrine that are
25 reported to the real-time electronic repository. The bill also
26 requires the reporting of other prescription substances that
27 the PMP advisory council and board of pharmacy determine could
28 be addictive or fatal if not taken under the proper care and
29 direction of a prescribing practitioner.

30 The bill changes the due date for annual reports to the
31 governor and legislature regarding the PMP from January 1 to
32 February 1.