

**PROPOSED AMENDMENTS TO  
SENATE BILL 470**

1 On page 1 of the printed bill, line 3, delete “431.964 and 431.966” and  
2 insert “431.962, 431.964, 431.966 and 431.970”.

3 After line 4, insert:

4 **“SECTION 1.** ORS 431.962 is amended to read:

5 “431.962. (1)(a) The Oregon Health Authority, in consultation with the  
6 Prescription Monitoring Program Advisory Commission, shall establish and  
7 maintain a prescription monitoring program for monitoring and reporting  
8 prescription drugs dispensed by pharmacies in Oregon that are:

9 **“(A)** Classified in schedules II through IV under the federal Controlled  
10 Substances Act, 21 U.S.C. 811 and 812, as modified **by the State Board of**  
11 **Pharmacy by rule** under ORS 475.035; **and**

12 **“(B) Other prescription drugs designated by the board by rule for**  
13 **inclusion in the prescription monitoring program.**

14 “(b)(A) To fulfill the requirements of this subsection, the authority shall  
15 establish, maintain and operate an electronic system to monitor and report  
16 drugs described in paragraph (a) of this subsection that are dispensed by  
17 prescription.

18 “(B) The system must operate and be accessible by practitioners and  
19 pharmacies 24 hours a day, seven days a week.

20 “(C) The authority may contract with a state agency or private entity to  
21 ensure the effective operation of the electronic system.

22 “(2) In consultation with the commission, the authority shall adopt rules

1 for the operation of the electronic prescription monitoring program estab-  
2 lished under subsection (1) of this section, including but not limited to  
3 standards for:

4 “(a) Reporting data;

5 “(b) Providing maintenance, security and disclosure of data;

6 “(c) Ensuring accuracy and completeness of data;

7 “(d) Complying with the federal Health Insurance Portability and Ac-  
8 countability Act of 1996 (P.L. 104-191) and regulations adopted under it, in-  
9 cluding 45 C.F.R. parts 160 and 164, federal alcohol and drug treatment  
10 confidentiality laws and regulations adopted under those laws, including 42  
11 C.F.R. part 2, and state health and mental health confidentiality laws, in-  
12 cluding ORS 179.505, 192.517 and 192.553 to 192.581;

13 “(e) Ensuring accurate identification of persons or entities requesting in-  
14 formation from the database;

15 “(f) Accepting printed or nonelectronic reports from pharmacies that do  
16 not have the capability to provide electronic reports; and

17 “(g) Notifying a patient, before or when a drug [*classified in schedules II*  
18 *through IV*] **included in the prescription monitoring program** is dis-  
19 pensed to the patient, about the prescription monitoring program and the  
20 entry of the prescription in the system.

21 “(3) The authority shall submit an annual report to the commission re-  
22 garding the prescription monitoring program established under this  
23 section.”.

24 In line 5, delete “1” and insert “2”.

25 On page 2, line 13, delete “2” and insert “3”.

26 On page 4, line 5, delete “controlled substance” and after “prescription”  
27 insert “drug”.

28 In line 9, delete “controlled substance” and after “prescription” insert  
29 “drug”.

30 Delete lines 19 through 45 and delete pages 5 through 9.

1 On page 10, delete lines 1 through 36 and insert:

2 **“SECTION 4.** ORS 431.970 is amended to read:

3 “431.970. If a practitioner or pharmacist authorized to obtain [*controlled*  
4 *substance*] prescription **drug** information from the prescription monitoring  
5 system established under ORS 431.962 discloses or uses information obtained  
6 from the system in violation of ORS 431.966, the Oregon Health Authority  
7 shall report the individual to the appropriate health professional regulatory  
8 board.”.

9 In line 37, delete “4” and insert “5”.

10 On page 17, line 10, delete “5” and insert “6” and delete “1” and insert  
11 “2”.

12 In line 12, delete “2 to 4” and insert “3 and 5”.

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