SPONSOR: Sen. Hansen & Rep. Bentz
Sens. Lavelle, Lopez, Sokola, Townsend; Reps. Baumbach, Brady, Dukes, Keeley

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 206

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE PRESCRIPTION MONITORING PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1212, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1212. Disclosure of protected health information.

(d) Disclosure without informed consent. — Protected health information may be disclosed without the informed consent of the individual who is the subject of the information where such disclosures are made:

(12) To the Drug Overdose Fatality Review ~~Commission.~~ Commission; or

(13) To the Prescription Monitoring Program.

Section 2. Amend § 4798, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4798. The Delaware Prescription Monitoring Program.

(b) Definitions. —

(14) "Public health surveillance" means the continuous, systematic collection, analysis, and interpretation of health-related data needed for the planning, implementation, and evaluation of public health practice. Public health surveillance may be used for all of the following purposes:

a. An early warning system for impending public health emergencies.

b. To document the impact of an intervention.

c. To track progress towards specified goals.

d. Monitor and clarify the epidemiology of health problems.

e. Establish public health priorities.

f. Inform public health policy and strategies.

(c) The Office of Controlled Substances shall establish and maintain a PMP program to monitor the prescribing and dispensing of all Schedule II, III, IV and V controlled substances by prescribers in this State, and to research the

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prescribing and dispensing of drugs of concern. The PMP ~~shall~~ must not interfere with the legal use of a controlled substance or drug of concern. The PMP ~~shall be~~ may be used for the following purposes:

(1) ~~Used to provide~~ Provide information to prescribers, dispensers, and patients to help avoid the illegal use of controlled ~~substances;~~ substances.

(2) ~~Used to assist~~ Assist law enforcement to investigate illegal activity related to the prescribing, ~~dispensing~~ dispensing, and consumption of controlled substances or drugs of ~~concern; and~~ concern.

(3) ~~Designed~~ Effectuate the collection and storage of prescription monitoring information in a manner designed to minimize inconvenience to patients and prescribing medical practitioners ~~while effectuating the collection and storage of prescription monitoring information~~.

(4) Assist the State Epidemiologist in public health surveillance for the purpose of reducing the burden of disease around substance use disorder.

(*l*) The Office of Controlled Substances shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained is not disclosed, except as provided for in this section.

(2) The Office of Controlled Substances may provide data in the prescription monitoring program in the form of a report to the following persons:

~~l.~~ *l.* The PMP Advisory ~~Committee.~~ Committee and the Addiction Action Committee, including identified prescriber and dispenser information. Information provided under this paragraph (*l*)(2)*l.* of this section is not a public record under § 10002 of Title 29.

(o) The Office of Controlled Substances shall design and implement an evaluation component to identify cost-benefits of the Prescription Monitoring Program, including its effect on diversion and abuse of controlled substances and drugs of concern, and other information relevant to policy, research and education involving controlled substances and drugs of concern monitored by the Prescription Monitoring Program.

(3) The Office of Controlled Substances shall provide data in the PMP in the form of a report to the Office of the State Epidemiologist in the Division of Public Health, for the purpose of reviewing and analyzing public health surveillance data related to drug overdoses.

Section 3. Amend § 9706, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9706. Office of Emergency Medical Services — Additional functions.

52 (j) The Director of the Division of Public Health shall have the authority to promulgate rules, in consultation with

53 the Delaware Emergency Medical Services Advisory Council and the Director of the Division of Professional Regulation,

54 to combine emergency medical services data and emergency department data about non-fatal overdoses with data from the

55 Prescription Monitoring Program database.

SYNOPSIS

Far too many Delawareans have been personally affected by addiction and substance use disorder and have experienced the tragedy of watching loved ones suffer from this chronic disease. Nearly 2,000 individuals in Delaware suffered a non-fatal overdose in 2017, but data suggest that many of these individuals continued to be prescribed opioid pain medications or did not receive substance use disorder treatment.

This Act links specific patient care data related to overdose collected by the Office of Emergency Medical Services or the Office of the State Epidemiologist with data in the Delaware Prescription Monitoring Program ("PMP"). This Act will foster best practices in the use of health information, to ensure that consistent, humane, evidence-based treatment and care is available and provided to those suffering from substance use disorder or non-fatal overdose.

Linking this data may assist prescribers and pharmacists in the identification of substance use disorder and promote safer prescribing.

This Act also provides prescriber and dispenser identified data to the PMP Advisory Committee and the Addiction Action Committee, which will enable these committees to do the following:

1. Appropriately identify prescribing and dispensing patterns of concern.
2. Make recommendations to the PMP administrator.
3. Provide targeted education to those individuals whose prescribing or dispensing practices are outliers from the Delaware average.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Hansen