



Legislative Council Staff

Research Note

Version: Final

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Bill Number

Senate Bill 17-032

Sponsors

**Senator Merrifield
(None)**

Short Title

**Prescription Drug Monitoring
Program Access**

Research Analyst

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Status

This research note reflects the introduced version of the bill, which was postponed indefinitely by the Senate Judiciary Committee on February 1, 2017.

Background

The Prescription Drug Monitoring Program (PDMP) uses a secure online database to store information about controlled substance prescriptions dispensed to patients by registered Colorado pharmacies. Colorado law requires Colorado pharmacists and licensed prescribers to register an account with the PDMP. Pharmacies upload prescription data every regular business day for controlled medications listed in the Schedules II to V that are dispensed to Colorado patients. Prescribers and pharmacists with registered accounts may access information on patients under their care. Data in the PDMP database include the name of the prescriber and patient, drug name and dosage, the quantity supplied, the number of refills, and the name of the dispensing pharmacy. The State Board of Pharmacy in the Department of Regulatory Agencies (DORA) oversees the PDMP. The direct and indirect costs of the PDMP are funded with a surcharge set by DORA, and limited by statute, on prescriber licenses.

Under existing law, the following people or groups are able to query the program: State Board of Pharmacy staff responsible for administering the PDMP; practitioners authorized to prescribe controlled substances; practitioners engaged in a legitimate program to monitor a patient's drug abuse; practitioners and pharmacists, including those in other states treating Colorado patients through the PDMP Inter-Connect; law enforcement officers, with a valid court order or subpoena; boards within DORA, with a valid court order or subpoena; resident physicians with an active physician training license; the Department of Public Health and Environment, for population-level analysis, subject to privacy regulations; and patients seeking a copy of their own information.

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Senate Action

Senate Judiciary Committee (February 1, 2017). At the hearing, the committee heard testimony in favor of the bill from representatives of the Colorado Academy of Family Physicians and the ACLU of Colorado. The committee heard testimony in opposition to the bill from representatives of the Colorado District Attorneys' Council and the Colorado Attorney General's Office.

The committee adopted amendment L.001, which would have removed the warrant requirement and instead required a subpoena supported by certain documentation, and postponed indefinitely the bill.

Relevant Research

Colorado Department of Regulatory Agencies, *Prescription Drug Monitoring Program webpage*, <https://www.colorado.gov/pacific/dora/PDMP>.

State Board of Pharmacy Rules, Electronic Prescription Monitoring Program regulations, 3 CCR 719-1 (23.00.00), available at: <http://tinyurl.com/herkoko> (pdf).