

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 16

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PRESCRIPTION TRACKING; AMENDING SECTION 37-2730A, IDAHO CODE,  
TO CLARIFY THAT PHARMACISTS AND PRACTITIONERS MAY SHARE INFORMATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 37-2730A, Idaho Code, be, and the same is hereby  
amended to read as follows:

37-2730A. PRESCRIPTION TRACKING PROGRAM. (1) The board shall maintain  
a program to track the prescriptions for controlled substances that are  
filed with the board under section 37-2726, Idaho Code, for the purpose of  
assisting in identifying illegal activity related to the dispensing of controlled  
substances and for the purpose of assisting the board in providing  
information to patients, practitioners and pharmacists to assist in avoiding  
inappropriate use of controlled substances. The tracking program and  
any data created thereby shall be administered by the board.

(2) The board shall use the information obtained through the tracking  
program in identifying activity it reasonably suspects may be in violation  
of this chapter or medical assistance law. The board shall report this information  
to the individuals and persons set forth in section 37-2726(2),  
Idaho Code. The board may release unsolicited information to pharmacists  
and practitioners when the release of information may be of assistance in  
preventing or avoiding inappropriate use of controlled substances. The  
board may provide the appropriate law enforcement agency, medicaid or medicare  
agency or licensing board with the relevant information in the board's  
possession, including information obtained from the tracking program, for  
further investigation, or other appropriate law enforcement or administrative  
enforcement use.

(3) Information, which does not identify individual patients, practitioners  
or dispensing pharmacists or pharmacies, may be released by the  
board for educational, research or public information purposes.

(4) Nothing herein shall prevent a pharmacist or practitioner from furnishing  
another pharmacist or practitioner information obtained pursuant to  
and in compliance with this chapter.

(5) Unless there is shown malice or criminal intent or gross negligence  
or reckless, willful and wanton conduct as defined in section 6-904C, Idaho  
Code, the state of Idaho, the board, any other state agency, or any person,  
or entity in proper possession of information as herein provided shall not be  
subject to any liability or action for money damages or other legal or equitable  
relief by reason of any of the following:

(a) The furnishing of information under the conditions herein provided;

(b) The receiving and use of, or reliance on, such information;

(c) The fact that any such information was not furnished; or

1           (d) The fact that such information was factually incorrect or was re-  
2           leased by the board to the wrong person or entity.

3           ~~(5)~~6) The board may apply for any available grants and accept any gifts,  
4           grants or donations to assist in developing and maintaining the program re-  
5           quired by this section.