COMMITTEE REPORT

March 8, 2018

**H. 3825**

Introduced by Reps. Huggins, Bedingfield, Fry, Henderson, Johnson, Hewitt, Crawford, Duckworth, Arrington, Allison, Tallon, Elliott, Hamilton, G.R. Smith, Jordan, B. Newton, Martin, Erickson, Long, Bradley, Weeks, Taylor, Putnam and Cogswell

S. Printed 3/8/18--H.

Read the first time February 22, 2017.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 3825) to amend the Code of Laws of South Carolina, 1976, by adding Section 44‑53‑1655 so as to require the Department of Health and Environmental Control to provide, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced February 22, 2017**

**State Expenditure**

This bill requires the Department of Health and Environmental Control (DHEC) to develop and maintain a system to provide report cards identifying prescribing data and trends on prescribing practices to practitioners participating in the prescription monitoring program, which monitors prescriptions for controlled substances listed in Schedules II through IV. The bill specifies the data to be included in the report card and the trends to be identified. The bill authorizes the release of prescription report cards to practitioners. The bill requires the department to coordinate with the Board of Medical Examiners and other appropriate professional boards in developing and implementing the report card program. The department is authorized to contract with other agencies or private vendors to ensure effective operation of the program, and may apply for public or private grants or other funding.

**Department of Health and Environmental Control**. This bill would require the department to develop, test, and maintain an additional software component to the prescription monitoring program. The bill indicates that the program may include regional or nationwide prescribing comparison data. The department indicates that, based on expenditure data from outside vendors, the one-time cost of developing and integrating this software would be $75,000. In order to support and maintain the system, the department indicates the need for two FTEs whose job duties would include compliance monitoring, data integrity validation, generation and distribution of the prescriber reports, and coordination with the various professional boards. First year expenditures are estimated at $237,020 which includes $96,702 for salaries and fringes, $16,826 for operating expenses, and $35,000 for an annual system maintenance agreement. Also included in first-year costs are the one-time expenditure for software development ($75,000) and computers and office equipment ($13,492) for the two support staff.

**Department of Labor, Licensing and Regulation**. The department indicates that this bill would have no expenditure impact on the general fund, federal funds, or other funds. Although at this time it is uncertain as to the degree of participation that the Department of Health and Environmental Control may request, the various boards expect to provide assistance with the existing staff and resources.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑53‑1655 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROVIDE PRESCRIPTION REPORT CARDS TO PRACTITIONERS UTILIZING THE PRESCRIPTION MONITORING PROGRAM THAT INCLUDE DATA RELEVANT TO A PRACTITIONER’S PRESCRIBING PRACTICES; AND TO AMEND SECTION 44‑53‑1650, AS AMENDED, RELATING TO THE CONFIDENTIALITY OF PRESCRIPTION MONITORING PROGRAM DATA, SO AS TO ALLOW THE RELEASE OF PRESCRIPTION REPORT CARDS TO PRACTITIONERS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 15, Chapter 53, Title 44 of the 1976 Code is amended by adding:

“Section 44‑53‑1655. (A) The department shall develop and maintain as part of the prescription monitoring program a system to provide prescription report cards to practitioners to inform the practitioner about certain prescribing trends. The report card must provide, at a minimum:

(1) a comparison of the practitioner’s number of prescriptions issued per month by therapeutic class code or by specific substances to peer averages by specialty throughout the State;

(2) a comparison of the practitioner’s number of milligrams prescribed per month by therapeutic class code over by specific substances to peer averages by specialty throughout the State;

(3) the total number of patients receiving ninety morphine milligram equivalents (MMEs) or more a day;

(4) the total number of patients receiving opioid medications for thirty days or more;

(5) the total number of patients receiving opioids and benzodiazepines medications at the same time;

(6) the total number of patients issued more than one controlled substance from the practitioner or other practitioners;

(7) the total number of patients issued prescriptions from three or more practitioners;

(8) the total number of patients filling prescriptions at three or more pharmacies;

(9) the total number of patients with controlled substance prescriptions whose dispensing dates overlap;

(10) the total number of patients obtaining refills on their prescriptions more than one week early; and

(11) the total number of prescription drug monitoring program queries made by the practitioner and a ratio of the queries to the number of patients or prescriptions issued.

The report card also must provide data on the number of practitioners registered against which the comparisons of items (1) and (2) are being made and any other demographic data relating to the pool of practitioners and may include regional or nationwide prescribing comparison data that would be useful to the practitioner.

(B) The department shall coordinate with the Board of Medical Examiners and any other appropriate professional boards as part of the development and implementation of a prescription report card program. The department may contract with another agency of the State or with a private vendor, as necessary, to ensure effective operation of the report card program, as provided in Section 44‑53‑1660, and may apply for public or private grants or other funding to develop, implement, and maintain the program.”

SECTION 2. Section 44‑53‑1650 of the 1976 Code, as last amended by Act 244 of 2014, is further amended by adding an appropriately numbered item at the end to read:

“( ) a practitioner in a prescription report card provided to practitioners in accordance with Section 44‑53‑1655.”

SECTION 3. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑