AMENDED

March 21, 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 3/21/18--H. [SEC 3/23/18 8:53 AM]

Read the first time February 22, 2017.

**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 prescriptions from three or more practitioners;

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

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

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

(10) 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. Prescription report cards, data, documents, records, and any other information accessed or compiled in preparing prescription report cards, are confidential and not subject to discovery, subpoena, or introduction into evidence in any civil action, unless confidentiality is waived by 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.

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