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Indicates New Matter

COMMITTEE REPORT

February 21, 2018

**H. 4488**

Introduced by Reps. Henderson, Fry, Hewitt, West, Spires, Atwater, Erickson, Norrell, Weeks, Douglas, Dillard, Ridgeway and Huggins

S. Printed 2/21/18--H. [SEC 2/22/18 3:44 PM]

Read the first time January 9, 2018.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 4488) to amend Section 44‑53‑1650, Code of Laws of South Carolina, 1976, relating in part to persons authorized to have access to data maintained in the prescription, 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**

**Prefiled on December 13, 2017**

**State Expenditure**

This bill expands the list of persons to which the DHEC’s Bureau of Drug Control may provide prescription monitoring program data. The expanded list includes a coroner, deputy coroner, medical examiner, and deputy medical examiner involved in a specific inquiry into the cause and manner of death of a designated person. DHEC indicates this additional duty can be managed within existing appropriations.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 44‑53‑1650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO PERSONS AUTHORIZED TO HAVE ACCESS TO DATA MAINTAINED IN THE PRESCRIPTION MONITORING PROGRAM, SO AS TO AUTHORIZE CORONERS, DEPUTY CORONERS, MEDICAL EXAMINERS, AND DEPUTY MEDICAL EXAMINERS IN CERTAIN CIRCUMSTANCES.

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

SECTION 1. Section 44‑53‑1650(D) of the 1976 Code is amended to read:

“(D) Drug control may provide data in the prescription monitoring program to the following persons:

(1) a practitioner or pharmacist or authorized delegate who requests information and certifies that the requested information is for the purpose of providing medical or pharmaceutical treatment to a bona fide patient;

(2) an individual who requests the individual’s own prescription monitoring information in accordance with procedures established pursuant to state law;

(3) a designated representative of the South Carolina Department of Labor, Licensing and Regulation responsible for the licensure, regulation, or discipline of practitioners, pharmacists, or other persons authorized to prescribe, administer, or dispense controlled substances and who is involved in a bona fide specific investigation involving a designated person;

(4) a local, state, or federal law enforcement or prosecutorial official engaged in the administration, investigation, or enforcement of the laws governing licit drugs and who is involved in a bona fide specific drug-related investigation involving a designated person;

(5) the South Carolina Department of Health and Human Services regarding Medicaid program recipients;

(6) a properly convened grand jury pursuant to a subpoena properly issued for the records;

(7) personnel of drug control for purposes of administration and enforcement of this article;

(8) qualified personnel for the purpose of bona fide research or education; however, data elements that would reasonably identify a specific recipient, prescriber, or dispenser must be deleted or redacted from such information prior to disclosure. Further, release of the information only may be made pursuant to a written agreement between qualified personnel and the department in order to ensure compliance with this subsection; and

(9) a coroner, deputy coroner, medical examiner, or deputy medical examiner who is involved in a bona fide specific inquiry into the cause and manner of death of a designated person pursuant to Chapter 5, Title 17.”

SECTION 2. This act takes effect upon approval by the Governor.

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