

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 1892, Page 1, In the Title, Line 4, by deleting the words "narcotics control
2 act" and inserting in lieu thereof the words "prescription abuse registry"; and
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4 Further amend said bill, Pages 2 through 3, Section 195.450, Lines 1 through 22, by deleting all of
5 said section and lines and inserting in lieu thereof the following:
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7 "195.450. 1. For the purposes of sections 195.450 to 195.471, the following terms shall
8 mean:

9 (1) "Controlled substance", the same meaning ascribed to it in section 195.010;

10 (2) "Department", the department of health and senior services;

11 (3) "Health care provider", the same meaning ascribed to it in section 376.1350;

12 (4) "Registry", the prescription abuse registry established under sections 195.450 to
13 195.471;

14 (5) "Rehabilitation facility", any facility where residential prevention, evaluation, care,
15 treatment, habilitation, or rehabilitation is provided for individuals affected by alcohol or drug
16 abuse.

17 2. The department shall promulgate rules and regulations to implement the provisions of
18 sections 195.450 to 195.471. Any rule or portion of a rule, as that term is defined in section
19 536.010, that is created under the authority delegated in this section shall become effective only if it
20 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
21 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the
22 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
23 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
24 rule proposed or adopted after August 28, 2016, shall be invalid and void."; and
25

26 Further amend said bill, Pages 3 through 4, Section 195.453, Lines 2 through 43, by deleting all of
27 said lines and inserting in lieu thereof the following:
28

29 "maintain a "Prescription Abuse Registry", which shall be available by January 1, 2018.

30 2. The following individuals who are eighteen years of age or older shall be listed in the
31 prescription abuse registry:

32 (1) Individuals who have been found guilty under federal law, the laws of this state, or
33 under the laws of another state of a crime involving possession or use of a controlled substance;

34 (2) Individuals who request to be listed in the registry;

35 (3) Any individual reported to the department by a relative within the first degree of
36 consanguinity of such individual who has reason to believe that such individual has illicitly used or

Standing Action Taken _____ Date _____

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1 abused controlled substances;

2 (4) Any individual reported to the department by a health care provider who has a
3 reasonable suspicion that such individual has illicitly used or abused controlled substances. A
4 health care provider may report an individual under this section if the individual has ever attempted
5 to acquire controlled substances or a prescription for controlled substances from the health care
6 provider regardless of whether the individual is a patient of the health care provider. If an
7 individual contacts a health care provider seeking rehabilitation services only, the health care
8 provider shall not report the individual to the department without the individual's written consent;
9 and

10 (5) Any individual reported to the department by an employee of a rehabilitation facility if
11 the employee has obtained the informed written consent of the individual.

12 3. Information regarding individuals in the prescription abuse registry shall include, but not
13 be limited to, the following:

14 (1) The individual's name;

15 (2) The individual's date of birth;

16 (3) The individual's Social Security number; and

17 (4) The method by which and the date on which the individual was reported to the
18 department under subsection 2 of this section.

19 4. If an individual has been reported to the department for listing in the registry, the
20 department shall notify the individual by certified mail that his or her name has been submitted for
21 entry into the registry. The department shall not disclose the method by which the individual was
22 reported or any identifying information of any reporter in such notice. Such notice shall inform the
23 individual of his or her right to appeal the listing under section 195.459 within thirty days. If no
24 appeal is filed with the department within thirty days, the individual shall be listed in the registry. If
25 the individual timely files an appeal, his or her name shall not be listed in the registry until the
26 conclusion of the administrative appeal process.

27 195.456. 1. Information contained in the prescription abuse registry shall be confidential
28 and not subject to public disclosure under chapter 610 except as provided in subsection 3 of this
29 section.

30 2. The department shall maintain procedures to ensure the privacy and confidentiality of
31 personal information reported to, collected by, and maintained in the registry and to ensure such
32 information is not disclosed except as provided in subsection 3 of this section.

33 3. The department shall establish procedures to enable health care providers to access the
34 prescription abuse registry for the sole purpose of determining whether an individual is listed in the
35 registry. A health care provider may submit a request to determine if an individual is listed in the
36 registry by submitting the individual's name and date of birth or Social Security number. The
37 health care provider shall receive a response that only confirms or denies the individual's listing in
38 the registry. No health care provider shall have access to any other personal information contained
39 in the registry.

40 4. No department, agency, instrumentality, political subdivision, or law enforcement agency
41 of this state including the bureau of narcotics and dangerous drugs, federal law enforcement agency,
42 or individual other than a health care provider under the provisions of subsection 3 of this section
43 shall have access to the prescription abuse registry.

44 5. Nothing in this section shall be construed to require a health care provider to obtain
45 information about an individual or patient from the registry. No health care provider shall be held
46 liable for damages to any person in any civil action for injury, death, or loss to person or property
47 on the basis of the health care provider accessing or not accessing the registry. No health care
48 provider in compliance with the provisions of sections 195.450 to 195.471 shall be subject to

1 discipline by any licensing board or state agency for acting in good faith with regards to the
2 registry."; and
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4 Further amend said bill, Pages 4 through 5, Section 195.456, Lines 1 through 46, by deleting all of
5 said section and lines from the bill; and
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7 Further amend said bill, Page 5, Section 195.459, Lines 1 through 4, by deleting all of said section
8 and lines from the bill and inserting in lieu thereof the following:
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10 "195.459. 1. Any individual listed in the prescription abuse registry under subdivisions (2)
11 to (5) of subsection 2 of section 195.453 shall have a right to appeal his or her listing in the registry
12 and any information contained in the registry. Any such appeal shall be filed in writing with the
13 department within thirty days of the individual's receipt of notice that he or she was listed in the
14 registry. An administrative appeal shall be set within thirty days of the filing of the appeal and a
15 decision shall be made within sixty days. If the department determines by a preponderance of the
16 evidence that the individual was wrongfully listed in the registry, the department shall find in favor
17 of such individual and the individual shall be removed from the registry. If the appeal is decided
18 against such person, the person may seek judicial review of such decision under sections 536.100 to
19 536.150. An individual's right to appeal under this section is in addition to any other appeal rights
20 granted by state law.

21 2. Individuals listed in the registry under subdivisions (2) to (5) of subsection 2 of section
22 195.453 may submit a petition to the department to be removed from the registry after seven years
23 from the date such individual was placed in the registry. An administrative hearing shall be set
24 within thirty days of the filing of the petition and a decision shall be made within sixty days. If the
25 department determines that the individual has been drug free for seven years and is a contributing
26 member of society, the department shall find in favor of the individual and the department shall
27 remove the individual from the registry and his or her file shall be closed. If the department decides
28 against the individual, he or she may seek judicial review of such decision under sections 536.100 to
29 536.150.

30 3. Any person who unlawfully and knowingly accesses or discloses, or a person authorized
31 to have information in the prescription abuse registry under sections 195.450 to 195.471 who
32 knowingly discloses, such information in violation of sections 195.450 to 195.471 or knowingly
33 uses such information in a manner and for a purpose in violation of sections 195.450 to 195.471 is
34 guilty of a class D felony until December 31, 2016, and a class E felony starting January 1, 2017.

35 4. If a person unlawfully and knowingly accesses or discloses, or if a person authorized to
36 have information in the prescription abuse registry under sections 195.450 to 195.471 knowingly
37 discloses such information in violation of sections 195.450 to 195.471 or knowingly uses such
38 information in a manner and for a purpose in violation of sections 195.450 to 195.471, the person
39 whose information was disclosed shall have a cause of action to recover liquidated damages in the
40 amount of ten thousand dollars in addition to compensatory economic and noneconomic damages,
41 attorney's fees, and court costs. If it is determined by a court of competent jurisdiction that such
42 disclosure was done intentionally and maliciously, the person shall be entitled to punitive damages
43 in addition to the damages above."; and
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45 Further amend said bill, Page 6, Section 195.465, Lines 1 through 13, by deleting all of said section
46 and lines from the bill; and
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48 Further amend said bill and page, Section 195.468, Lines 3 through 4, by deleting the phrase

1 "narcotics control program" and inserting in lieu thereof the phrase "prescription abuse registry";
2 and

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4 Further amend said bill, page, and section, Line 5, by deleting the word "dispensation" and inserting
5 in lieu thereof the words "prescription abuse registry"; and

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7 Further amend said bill, page, and section, Line 6, by deleting "; and" and inserting in lieu thereof
8 ";"; and

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10 Further amend said bill, page, and section, Lines 7 through 10, by deleting all of said lines from the
11 bill; and

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13 Further amend said bill and section, Page 7, Line 18, by deleting the words "narcotics control
14 program" and inserting in lieu thereof the words "prescription abuse registry"; and

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16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.