



Sen. Heather Steans

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09600HB0445sam003

LRB096 04780 RLC 26198 a

1 AMENDMENT TO HOUSE BILL 445

2 AMENDMENT NO. _____. Amend House Bill 445 on page 1, line
3 5, by inserting "318," after "204,"; and

4 on page 11, by inserting immediately below line 3 the
5 following:

6 "(720 ILCS 570/318)

7 Sec. 318. Confidentiality of information.

8 (a) Information received by the central repository under
9 Section 316 and 321 is confidential.

10 (b) The Department must carry out a program to protect the
11 confidentiality of the information described in subsection
12 (a). The Department may disclose the information to another
13 person only under subsection (c), (d), or (f) and may charge a
14 fee not to exceed the actual cost of furnishing the
15 information.

16 (c) The Department may disclose confidential information

1 described in subsection (a) to any person who is engaged in
2 receiving, processing, or storing the information.

3 (d) The Department may release confidential information
4 described in subsection (a) to the following persons:

5 (1) A governing body that licenses practitioners and is
6 engaged in an investigation, an adjudication, or a
7 prosecution of a violation under any State or federal law
8 that involves a controlled substance.

9 (2) An investigator for the Consumer Protection
10 Division of the office of the Attorney General, a
11 prosecuting attorney, the Attorney General, a deputy
12 Attorney General, or an investigator from the office of the
13 Attorney General, who is engaged in any of the following
14 activities involving controlled substances:

15 (A) an investigation;

16 (B) an adjudication; or

17 (C) a prosecution of a violation under any State or
18 federal law that involves a controlled substance.

19 (3) A law enforcement officer who is:

20 (A) authorized by the Department of State Police or
21 the office of a county sheriff or State's Attorney or
22 municipal police department of Illinois to receive
23 information of the type requested for the purpose of
24 investigations involving controlled substances; or

25 (B) approved by the Department to receive
26 information of the type requested for the purpose of

1 investigations involving controlled substances; and

2 (C) engaged in the investigation or prosecution of
3 a violation under any State or federal law that
4 involves a controlled substance.

5 (e) Before the Department releases confidential
6 information under subsection (d), the applicant must
7 demonstrate in writing to the Department that:

8 (1) the applicant has reason to believe that a
9 violation under any State or federal law that involves a
10 controlled substance has occurred; and

11 (2) the requested information is reasonably related to
12 the investigation, adjudication, or prosecution of the
13 violation described in subdivision (1).

14 (f) The Department may receive and release prescription
15 record information to:

16 (1) a governing body that licenses practitioners;

17 (2) an investigator for the Consumer Protection
18 Division of the office of the Attorney General, a
19 prosecuting attorney, the Attorney General, a deputy
20 Attorney General, or an investigator from the office of the
21 Attorney General;

22 (3) any Illinois law enforcement officer who is:

23 (A) authorized to receive the type of information
24 released; and

25 (B) approved by the Department to receive the type
26 of information released; or

1 (4) prescription monitoring entities in other states
2 per the provisions outlined in subsection (g) and (h)
3 below;

4 confidential prescription record information collected under
5 Sections 316 and 321 that identifies vendors or practitioners,
6 or both, who are prescribing or dispensing large quantities of
7 Schedule II, III, IV, or V controlled substances outside the
8 scope of their practice, pharmacy, or business, as determined
9 by the Advisory Committee created by Section 320.

10 (g) The information described in subsection (f) may not be
11 released until it has been reviewed by an employee of the
12 Department who is licensed as a prescriber or a dispenser and
13 until that employee has certified that further investigation is
14 warranted. However, failure to comply with this subsection (g)
15 does not invalidate the use of any evidence that is otherwise
16 admissible in a proceeding described in subsection (h).

17 (h) An investigator or a law enforcement officer receiving
18 confidential information under subsection (c), (d), or (f) may
19 disclose the information to a law enforcement officer or an
20 attorney for the office of the Attorney General for use as
21 evidence in the following:

22 (1) A proceeding under any State or federal law that
23 involves a controlled substance.

24 (2) A criminal proceeding or a proceeding in juvenile
25 court that involves a controlled substance.

26 (i) The Department may compile statistical reports from the

1 information described in subsection (a). The reports must not
2 include information that identifies, by name, license or
3 address, any practitioner, dispenser, ultimate user, or other
4 person administering a controlled substance.

5 (j) Based upon federal, initial and maintenance funding, a
6 prescriber and dispenser inquiry system shall be developed to
7 assist the medical community in its goal of effective clinical
8 practice and to prevent patients from diverting or abusing
9 medications.

10 (1) An inquirer shall have read-only access to a
11 stand-alone database which shall contain records for the
12 previous 6 months.

13 (2) Dispensers may, upon positive and secure
14 identification, make an inquiry on a patient or customer
15 solely for a medical purpose as delineated within the
16 federal HIPAA law.

17 (3) The Department shall provide a one-to-one secure
18 link and encrypted software necessary to establish the link
19 between an inquirer and the Department. Technical
20 assistance shall also be provided.

21 (4) Written inquiries are acceptable but must include
22 the fee and the requestor's Drug Enforcement
23 Administration license number and submitted upon the
24 requestor's business stationary.

25 (5) No data shall be stored in the database beyond 24
26 months.

1 (6) Tracking analysis shall be established and used per
2 administrative rule.

3 (7) Nothing in this Act or Illinois law shall be
4 construed to require a prescriber or dispenser to make use
5 of this inquiry system.

6 (8) If there is an adverse outcome because of a
7 prescriber or dispenser making an inquiry, which is
8 initiated in good faith, the prescriber or dispenser shall
9 be held harmless from any civil liability.

10 (k) Based upon federal and initial and maintenance funding,
11 unless appropriated or otherwise authorized by the General
12 Assembly, a restricted and secure inquiry system shall be
13 developed to assist the law enforcement community in its goal
14 to enforce federal and State law as well as local ordinances
15 related to prescription medications. Criteria for the inquiry
16 system shall follow the criteria provided in subsection (j),
17 except that the records shall be for the previous 24 months and
18 with the addition that any person making an inquiry must attest
19 that the inquiry is strictly for the purpose of conducting a
20 probable cause investigation only.

21 (Source: P.A. 95-442, eff. 1-1-08.)".