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**COMMENTS IN SUPPORT OF S 0647 – RELATING TO FOOD AND DRUGS –
UNIFORMED CONTROLLED SUBSTANCES ACT
April 2, 2013**

The ACLU of Rhode Island supports this legislation, particularly the language appearing on pages six through eight of the bill. This language represents a combined effort by the ACLU and the Department of Health to ensure that Rhode Island is able to combat prescription drug abuse, while carefully protecting the privacy of patients using their medication responsibly.

Under current law, the Rhode Island Department of Health (DOH) is authorized to promulgate rules and regulations for the electronic data transfer of schedule II and II prescriptions. Since 1997, DOH has as part of those regulations required statewide participation in a Prescription Monitoring Program. This program currently collects all schedule II and III prescriptions written for Rhode Island residents and retains them indefinitely in a database accessible to researchers and law enforcement. In fact, the purpose of the Prescription Monitoring Program is to facilitate investigations by police of prescription drug users.

Access to this information is unregulated by statute, and only slight regulatory barriers exist between law enforcement and the confidential information of schedule II and III prescription holders. Last year, the ACLU raised concerns that expanding the use of electronic prescribing to all controlled substances would result in the recording of prescription use information for virtually every Rhode Islander receiving prescriptions, with little oversight as to how long that information could be retained, or by whom that information could be accessed. As a result of these concerns, pages six through eight were added to the legislation.

This language codifies vital privacy protections for patients while ensuring law enforcement and medical practitioners may still have access to the information necessary to keep our communities safe. The legislation imposes strict limits on what information may be recorded and how long it may be retained, and grants access to this information to only a few individuals or entities. Any law enforcement agency seeking information must now obtain a search warrant prior to access. Further, patients must be made aware of the existence of the database and given the opportunity to view their own records and correct any incorrect information contained therein. Finally, the legislation requires any pharmacist refusing to fill a prescription based on information contained within the database contact the prescribing physician within twenty-four hours, ensuring patients will not lose access to critical medication based solely on the use of the prescription monitoring database.

The ACLU appreciates the work of the Department of Health in protecting patient's safety and privacy, and urges the committee's swift passage of this legislation.