



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5250

by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

215 ILCS 5/512-4.5 new
225 ILCS 85/15.7 new
225 ILCS 120/53 new

Amends the Third Party Prescription Programs Article of the Insurance Code, the Pharmacy Practice Act of 1987, and the Wholesale Drug Distribution Licensing Act. Prohibits the licensure, transference, use, or sale of any records relative to prescription information containing patient-identifiable or prescriber-identifiable data by any licensee or registrant of the Acts for commercial purposes, except for limited purposes or under certain circumstances.

LRB095 14905 RAS 40849 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation, which may be known as the
2 Prescription Data Opt-in Act.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 5. The Illinois Insurance Code is amended by adding
6 Section 512-4.5 as follows:

7 (215 ILCS 5/512-4.5 new)

8 Sec. 512-4.5. License, transfer, use, and sale of
9 prescription information prohibited.

10 (a) In this Section, "commercial purpose" includes,
11 without limitation, advertising, marketing, promotion, or any
12 activity that could be used to (i) influence sales or market
13 share of a pharmaceutical product, (ii) influence or evaluate
14 the prescribing behavior of an individual health care
15 professional, or (iii) evaluate the effectiveness of a
16 professional pharmaceutical sales force.

17 (b) Except as provided in subsection (c) of this Section,
18 records relative to prescription information containing
19 patient-identifiable or prescriber-identifiable data may not
20 be licensed, transferred, used, or sold by any registrant under
21 this Act for any commercial purpose, except for any of the
22 following limited purposes:

23 (1) Pharmacy reimbursement.

1 (2) Formulary compliance.

2 (3) Care management.

3 (4) Utilization review by a health care provider, the
4 patient's insurance provider, or the agent of either.

5 (5) Health care research.

6 (6) Any purpose otherwise provided by law.

7 (c) A prescriber may authorize the transfer, use, or sale
8 of his or her prescriber-identifiable data in writing or
9 electronically if the prescriber has transmitted the
10 authorization to an entity that (i) is involved in the
11 transfer, sale, or use of prescriber-identifiable data, (ii)
12 has designated an address, location, or system to which
13 authorization may be transmitted electronically or in writing,
14 and (iii) has established a process for prescribers to revoke
15 their authorization in writing or electronically upon
16 reasonable notice to the entity.

17 (d) Nothing in this Section shall prohibit the dispensing
18 of prescription medications to a patient or to the patient's
19 authorized representative; the transmission of prescription
20 information between an authorized prescriber and a licensed
21 pharmacy; the transfer of prescription information between
22 licensed pharmacies; the transfer of prescription records that
23 may occur in the event a pharmacy ownership is changed or
24 transferred; or care management educational communications
25 provided to a patient about the patient's health condition,
26 adherence to a prescribed course of therapy, or other

1 information about the drug being dispensed, treatment options,
2 or clinical trials.

3 (e) Nothing in this Section shall prohibit the collection,
4 use, transfer, or sale of patient and prescriber de-identified
5 data by zip code, geographic region, or medical specialty for
6 commercial purposes.

7 Section 10. The Pharmacy Practice Act of 1987 is amended by
8 adding Section 15.7 as follows:

9 (225 ILCS 85/15.7 new)

10 Sec. 15.7. License, transfer, use, and sale of prescription
11 information prohibited.

12 (a) In this Section, "commercial purpose" includes,
13 without limitation, advertising, marketing, promotion, or any
14 activity that could be used to (i) influence sales or market
15 share of a pharmaceutical product, (ii) influence or evaluate
16 the prescribing behavior of an individual health care
17 professional, or (iii) evaluate the effectiveness of a
18 professional pharmaceutical sales force.

19 (b) Except as provided in subsection (c) of this Section,
20 records relative to prescription information containing
21 patient-identifiable or prescriber-identifiable data may not
22 be licensed, transferred, used, or sold by any licensee or
23 registrant under this Act for any commercial purpose, except
24 for any of the following limited purposes:

1 (1) Pharmacy reimbursement.

2 (2) Formulary compliance.

3 (3) Care management.

4 (4) Utilization review by a health care provider, the
5 patient's insurance provider, or the agent of either.

6 (5) Health care research.

7 (6) Any purpose otherwise provided by law.

8 (c) A prescriber may authorize the transfer, use, or sale
9 of his or her prescriber-identifiable data in writing or
10 electronically if the prescriber has transmitted the
11 authorization to an entity that (i) is involved in the
12 transfer, sale, or use of prescriber-identifiable data, (ii)
13 has designated an address, location, or system to which
14 authorization may be transmitted electronically or in writing,
15 and (iii) has established a process for prescribers to revoke
16 their authorization in writing or electronically upon
17 reasonable notice to the entity.

18 (d) Nothing in this Section shall prohibit the dispensing
19 of prescription medications to a patient or to the patient's
20 authorized representative; the transmission of prescription
21 information between an authorized prescriber and a licensed
22 pharmacy; the transfer of prescription information between
23 licensed pharmacies; the transfer of prescription records that
24 may occur in the event a pharmacy ownership is changed or
25 transferred; or care management educational communications
26 provided to a patient about the patient's health condition,

1 adherence to a prescribed course of therapy, or other
2 information about the drug being dispensed, treatment options,
3 or clinical trials.

4 (e) Nothing in this Section shall prohibit the collection,
5 use, transfer, or sale of patient and prescriber de-identified
6 data by zip code, geographic region, or medical specialty for
7 commercial purposes.

8 Section 15. The Wholesale Drug Distribution Licensing Act
9 is amended by adding Section 53 as follows:

10 (225 ILCS 120/53 new)

11 Sec. 53. License, transfer, use, and sale of prescription
12 information prohibited.

13 (a) In this Section, "commercial purpose" includes,
14 without limitation, advertising, marketing, promotion, or any
15 activity that could be used to (i) influence sales or market
16 share of a pharmaceutical product, (ii) influence or evaluate
17 the prescribing behavior of an individual health care
18 professional, or (iii) evaluate the effectiveness of a
19 professional pharmaceutical sales force.

20 (b) Except as provided in subsection (c) of this Section,
21 records relative to prescription information containing
22 patient-identifiable or prescriber-identifiable data may not
23 be licensed, transferred, used, or sold by any licensee under
24 this Act for any commercial purpose, except for any of the

1 following limited purposes:

2 (1) Pharmacy reimbursement.

3 (2) Formulary compliance.

4 (3) Care management.

5 (4) Utilization review by a health care provider, the
6 patient's insurance provider, or the agent of either.

7 (5) Health care research.

8 (6) Any purpose otherwise provided by law.

9 (c) A prescriber may authorize the transfer, use, or sale
10 of his or her prescriber-identifiable data in writing or
11 electronically if the prescriber has transmitted the
12 authorization to an entity that (i) is involved in the
13 transfer, sale, or use of prescriber-identifiable data, (ii)
14 has designated an address, location, or system to which
15 authorization may be transmitted electronically or in writing,
16 and (iii) has established a process for prescribers to revoke
17 their authorization in writing or electronically upon
18 reasonable notice to the entity.

19 (d) Nothing in this Section shall prohibit the dispensing
20 of prescription medications to a patient or to the patient's
21 authorized representative; the transmission of prescription
22 information between an authorized prescriber and a licensed
23 pharmacy; the transfer of prescription information between
24 licensed pharmacies; the transfer of prescription records that
25 may occur in the event a pharmacy ownership is changed or
26 transferred; or care management educational communications

1 provided to a patient about the patient's health condition,
2 adherence to a prescribed course of therapy, or other
3 information about the drug being dispensed, treatment options,
4 or clinical trials.

5 (e) Nothing in this Section shall prohibit the collection,
6 use, transfer, or sale of patient and prescriber de-identified
7 data by zip code, geographic region, or medical specialty for
8 commercial purposes.