

SB0159/343722/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 159  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “**Reporting of Financial Gratuities or Incentives**” and substitute “**Financial Reporting**”; strike beginning with “requiring” in line 4 down through “purpose;” in line 7 and substitute “establishing requirements related to the disclosure of financial gratuities or incentives by authorized prescribers and the review and use of the disclosures by health occupations boards that regulate the authorized prescribers; requiring the State Board of Physicians to post a link to the open payments website each physician’s profile on its website and to take certain other actions related to the use of data on the open payments website;”; and in line 11, after “1–227” insert “and 14–411.2”.

AMENDMENT NO. 2

On page 1, in line 20, after “(2)” insert “(I)”; and in line 21, strike “**LICENSED PHYSICIAN,**”.

On page 2, after line 2, insert:

**“(I) “AUTHORIZED PRESCRIBER” DOES NOT INCLUDE A LICENSED PHYSICIAN.”;**

strike in their entirety lines 3 through 5, inclusive; in line 6, strike “(II)” and substitute “(3) (I)”; after line 18, insert:

**“(II) “FINANCIAL GRATUITY OR INCENTIVE” DOES NOT INCLUDE PAYMENTS FOR FOOD.**

(Over)

(4) “PHARMACEUTICAL MANUFACTURER OR DISTRIBUTOR” INCLUDES A REPRESENTATIVE OF A COMPANY THAT SELLS MEDICAL EQUIPMENT.”.

On pages 2 and 3, strike in their entirety the lines beginning with line 19 on page 2 through line 7 on page 3, inclusive, and substitute:

“(B) EACH AUTHORIZED PRESCRIBER WHO RECEIVES A FINANCIAL GRATUITY OR INCENTIVE FROM A PHARMACEUTICAL DISTRIBUTOR OR MANUFACTURER SHALL SUBMIT TO THE HEALTH OCCUPATIONS BOARD THAT LICENSES THE AUTHORIZED PRESCRIBER A FINANCIAL DISCLOSURE DOCUMENT IN THE FORM DETERMINED BY THE HEALTH OCCUPATIONS BOARD AND AS REQUIRED BY THE HEALTH OCCUPATIONS BOARD WITHIN 30 DAYS AFTER THE DATE THE FINANCIAL GRATUITY OR INCENTIVE IS RECEIVED BY THE AUTHORIZED PRESCRIBER.

(C) EACH HEALTH OCCUPATIONS BOARD THAT REGULATES AN AUTHORIZED PRESCRIBER WHO IS REQUIRED TO SUBMIT A FINANCIAL DISCLOSURE DOCUMENT UNDER SUBSECTION (B) OF THIS SECTION SHALL REVIEW EACH YEAR:

(I) ALL FINANCIAL GRATUITIES AND INCENTIVES THAT AN AUTHORIZED PRESCRIBER RECEIVES THAT EXCEED A CUMULATIVE AMOUNT OF \$5,000 PER YEAR; AND

(II) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE PRESCRIBING HISTORY AND PATTERNS OF THE AUTHORIZED PRESCRIBER REGARDING ALL PATIENTS OF THE AUTHORIZED PRESCRIBER AND DETERMINE WHETHER TO TAKE ACTION AGAINST THE AUTHORIZED PRESCRIBER.

(D) THE HEALTH OCCUPATIONS BOARDS SHALL CONSIDER THE SPECIALTY AREAS OF THE PRESCRIBERS WHILE REVIEWING THE PRESCRIBING HISTORY AND PATTERNS OF AN AUTHORIZED PRESCRIBER UNDER THIS SECTION.”;

On page 3, after line 9, insert:

“14-411.2.

(A) IN THIS SECTION, “OPEN PAYMENTS WEBSITE” MEANS THE WEBSITE MAINTAINED BY THE U.S. CENTERS FOR MEDICARE AND MEDICAID SERVICES ON WHICH INFORMATION ABOUT FINANCIAL RELATIONSHIPS BETWEEN HEALTH CARE PROVIDERS AND DRUG AND DEVICE COMPANIES IS PUBLISHED AND THAT ENABLES A USER TO SEARCH FOR HEALTH CARE PROVIDERS.

(B) THE BOARD SHALL:

(1) POST A LINK TO THE OPEN PAYMENTS WEBSITE ON EACH LICENSEE’S INDIVIDUAL PROFILE ON ITS WEBSITE; AND

(2) DEVELOP A NONPUBLIC DATABASE OF LICENSEES WITH INFORMATION COLLECTED ON THE OPEN PAYMENTS WEBSITE.

(C) THE BOARD SHALL USE THE DATABASE DEVELOPED UNDER SUBSECTION (B)(2) OF THIS SECTION TO REVIEW EACH YEAR:

(1) ALL FINANCIAL GRATUITIES AND INCENTIVES THAT A LICENSEE RECEIVES THAT EXCEED A CUMULATIVE AMOUNT OF \$5,000 PER YEAR; AND

(Over)

(2) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE PRESCRIBING HISTORY AND PATTERNS OF THE LICENSEE REGARDING ALL PATIENTS OF THE LICENSEE AND DETERMINE WHETHER TO TAKE ACTION AGAINST THE LICENSEE.

(D) THE BOARD SHALL CONSIDER THE SPECIALTY AREAS OF THE LICENSEE WHILE REVIEWING THE PRESCRIBING HISTORY AND PATTERNS OF A LICENSEE UNDER THIS SECTION.”