Monthly Pharmacy Cases Received

As of 2025-12-01 15:55:08 Mountain Standard Time/MST • Generated by Travis Drebing • Sorted by Opened Date (Ascendi

Filtered By

Date Field: Opened Date equals Last Month (11/1/2025 to 11/30/2025)
Show: All cases
Units: Hours
Status equals Case Received,Under Investigation,Legal Action,Information Only
Conduct Unit equals Healthcare,Professional
Professions equals Pharmacy

Case Number	Opened Date	Professions	Profession Subtype	Complaint Types	Status
166213	11/5/2025	Pharmacy	Class A-Retail		Information Only
166320	11/9/2025	Pharmacy	Pharmacist		Information Only
166631	11/19/2025	Pharmacy	Pharmacist		Under Investigation
166672	11/21/2025	Pharmacy	Class A-Retail	Pharmacy Violation	Under Investigation
166709	11/22/2025	Pharmacy			Information Only
Total Count	5				

Monthly Pharmacy Closed Cases

As of 2025-12-01 15:53:44 Mountain Standard Time/MST • Generated by Travis Drebing • Sorted by Closed Date (Ascending)

Filtered By
Date Field: Closed Date equals Last Month (11/1/2025 to 11/30/2025)
Show: All cases
Units: Days
Conduct Unit equals Professional,Healthcare
Professions equals Pharmacy

Case Number	Closed Date	Professions	Profession Subtype	Complaint Types	Closure Code	Status
166089	11/4/2025	Pharmacy	Pharmacist			Information Only
166136	11/4/2025	Pharmacy	Licensed Dispensing Practice	Inspection	Letter of Concern; New Inspection	Closed
166183	11/5/2025	Pharmacy	Licensed Dispensing Practice	Inspection	New Inspection	Closed
165973	11/5/2025	Pharmacy	Class B-Dispensing Medical Practioner Clinic	Inspection	Administrative Discretion	Closed
166213	11/5/2025	Pharmacy	Class A-Retail			Information Only
156641	11/6/2025	Pharmacy	Pharmacist	Unprofessional Conduct	Renewal/Reinstatement Denied	Closed
166320	11/10/2025	Pharmacy	Pharmacist			Information Only
163249	11/10/2025	Pharmacy	Pharmacy Technician Trainee	Pharmacy Violation	Administrative Action	Closed
165186	11/10/2025	Pharmacy	Class A-Retail	Pharmacy Violation	Verbal Warning	Closed
165466	11/10/2025	Pharmacy	Pharmacist	Pharmacy Violation	Unfounded	Closed
165980	11/10/2025	Pharmacy	Class C-Distributing	Pharmacy Violation	Letter of Concern	Closed
166040	11/10/2025	Pharmacy	Class C-Wholesaler	Inspection	New Inspection	Closed
166272	11/12/2025	Pharmacy	Class A-Retail	Inspection	New Inspection; Voluntary Compliance	Closed
166333	11/12/2025	Pharmacy	Licensed Dispensing Practice	Inspection	New Inspection	Closed
166174	11/12/2025	Pharmacy	Class B-Closed Door	Pharmacy Violation	Unfounded	Closed
166402	11/13/2025	Pharmacy	Class B-Dispensing Medical Practioner Clinic	Inspection	Administrative Discretion	Closed
165766	11/13/2025	Pharmacy	Pharmacy Technician	Pharmacy Violation	Unfounded	Closed
166099	11/14/2025	Pharmacy	Class A-Retail	CSD Violation	Verbal Warning	Closed
166531	11/17/2025	Pharmacy	Dispensing Medical Practioner Clinic		Administrative Action	Closed
166544	11/18/2025	Pharmacy	Licensed Dispensing Practice	Inspection	Administrative Discretion	Closed
166226	11/18/2025	Pharmacy	Class A-Retail	Inspection	New Inspection	Closed
166582	11/18/2025	Pharmacy	Licensed Dispensing Practice	Inspection	New Inspection	Closed
166583	11/18/2025	Pharmacy	Licensed Dispensing Practice	Inspection	New Inspection	Closed
166584	11/18/2025	Pharmacy	Licensed Dispensing Practice	Inspection	New Inspection	Closed
166585	11/18/2025	Pharmacy	Licensed Dispensing Practice	Inspection	New Inspection	Closed
166587	11/18/2025	Pharmacy	Licensed Dispensing Practice	Inspection	New Inspection	Closed
166004	11/19/2025	Pharmacy	Class A-Retail	Pharmacy Violation	Voluntary Compliance	Closed
166613	11/19/2025	Pharmacy	Licensed Dispensing Practice	Inspection	New Inspection	Closed
166615	11/20/2025	Pharmacy	Licensed Dispensing Practice	Inspection	New Inspection	Closed
166616	11/20/2025	Pharmacy	Licensed Dispensing Practice	Inspection	New Inspection	Closed
164732	11/21/2025	Pharmacy	Class B-Hospital Clinic	Inspection	Letter of Concern; Random Inspection	Closed
166570	11/21/2025	Pharmacy	Class E-Durable Medical Equipment	Inspection	New Inspection	Closed
166569	11/21/2025	Pharmacy	Class B-Pharmaceutical Administration Facility	Inspection	New Inspection	Closed
166611	11/21/2025	Pharmacy	Class C-Wholesaler	Inspection	New Inspection	Closed
166571	11/21/2025	Pharmacy	Class A-Retail	Inspection	Random Inspection	Closed
166542	11/24/2025	Pharmacy	Class A-Retail	Inspection	Administrative Discretion; Random Inspection; Voluntary Compliance	Closed
166724	11/24/2025	Pharmacy	Class C-Manufacturing	Pharmacy Violation	Unfounded	Closed
166387	11/24/2025	Pharmacy	Class A-Retail	Medication Error	Administrative Discretion	Closed
166709	11/25/2025	Pharmacy				Information Only
166655	11/26/2025	Pharmacy	Class B-Dispensing Medical Practioner Clinic	Inspection	New Inspection; Voluntary Compliance	Closed
166799	11/26/2025	Pharmacy	Class B-Dispensing Medical Practioner Clinic	Inspection	Administrative Discretion	Closed
Total	Count	41				

Monthly Pharmacy Inspections

As of 2025-12-01 15:56:37 Mountain Standard Time/MST • Generated by Travis Drebing • Sorted by Inspection D

Filtered By

Show: All inspections

Date Field: Inspection Date equals Last Month (11/1/2025 to 11/30/2025)

Inspection Type equals New,Probation,Random

Case	Inspection Date	Inspection Classification	Inspection Type
166226	11/5/2025, 12:00 PM	Class A-Retail	New
166611	11/5/2025, 12:00 PM	Class C-Distributing	New
166272	11/6/2025, 12:00 PM	Class A-Retail	New
166272	11/6/2025, 12:00 PM	Automated Pharmacy System	New
166569	1/10/2025, 12:00 PM	Class B-Pharmaceutical Administration Facility	New
166570	1/10/2025, 12:00 PM	Class E-Durable Medical Equipment	New
166571	1/12/2025, 12:00 PM	Class A-Retail	Random
166542	1/17/2025, 12:00 PM	Class A-Retail	Random
166542	1/17/2025, 12:00 PM	Automated Pharmacy System	Random
166655	1/20/2025, 12:00 PM	Class B-Dispensing Medical Practioner Clinic	New
Total Count	10		

Monthly Pharmacy Citations

As of 2025-12-01 15:51:56 Mountain Standard Time/MST • Generated by Travis Drebing • Sorted by Date Issued (Ascending)

Filtered By

Show: All citations

Date Field: Date Issued equals Last Month (11/1/2025 to 11/30/2025)

Profession equals pharmacy

Date Issued		Case	DOPL Citation: Citation Number	Profession	Violation Type
Total	Count	0			

Tina Marshall [redacted]

Handouts for December Pharmacy Board

[redacted] Mon, Dec 8, 2025 at 11:50 AM

For electronic prescribing of CS:

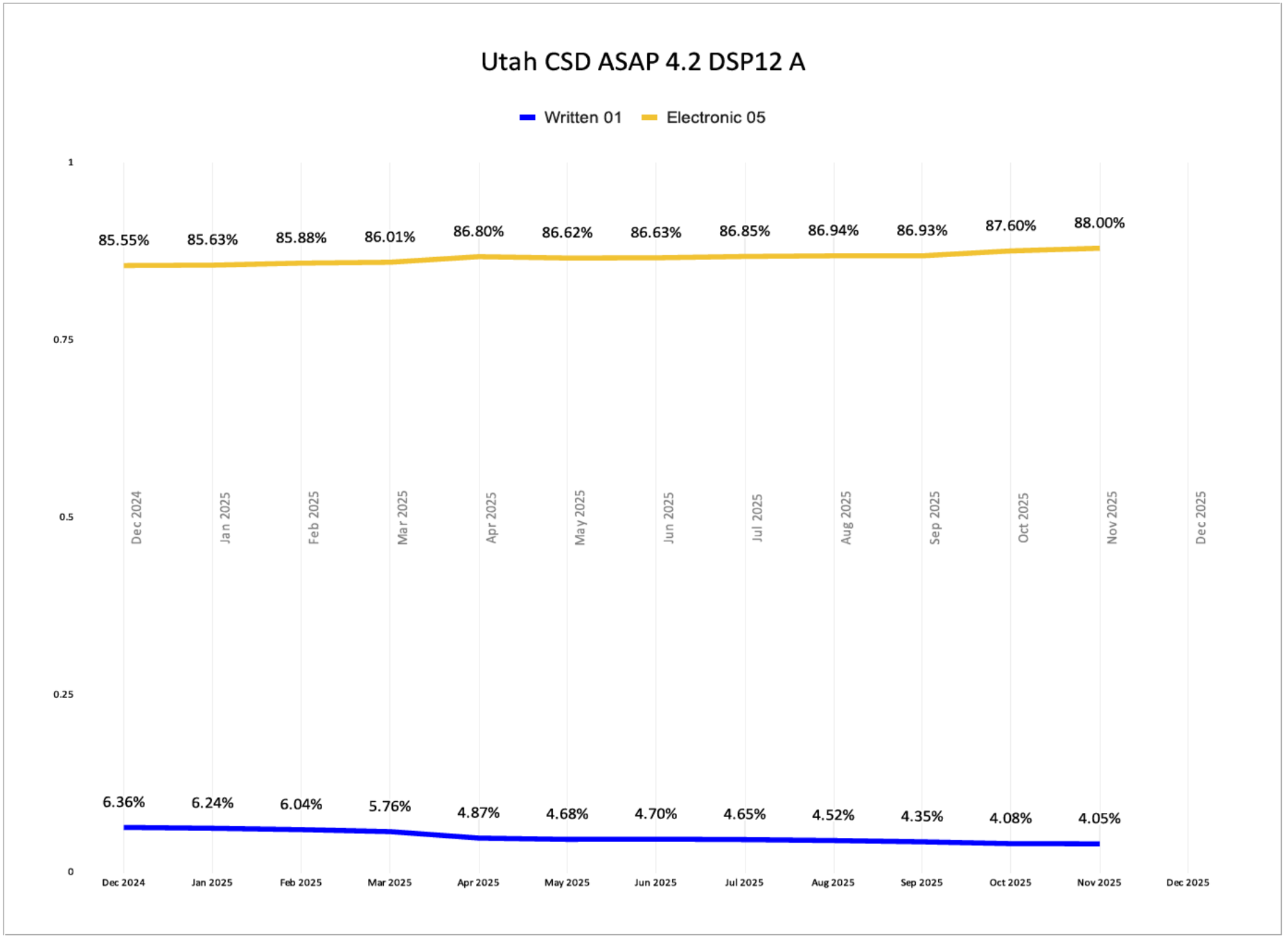
Started tracking in September 2021 @ 66.03%
In January of 2022 it reached 75.66%
In August of 2022 it reached 80.66%
did not reach 85.06% until October 2024,
and as of November 2025 it is at 88.00%
[Quoted text hidden]

3 attachments

DSP12_Tracking - CHART A.pdf
271K

DSP12_Tracking - CHART B.pdf
260K

DSP12_Tracking - CHART C.pdf
155K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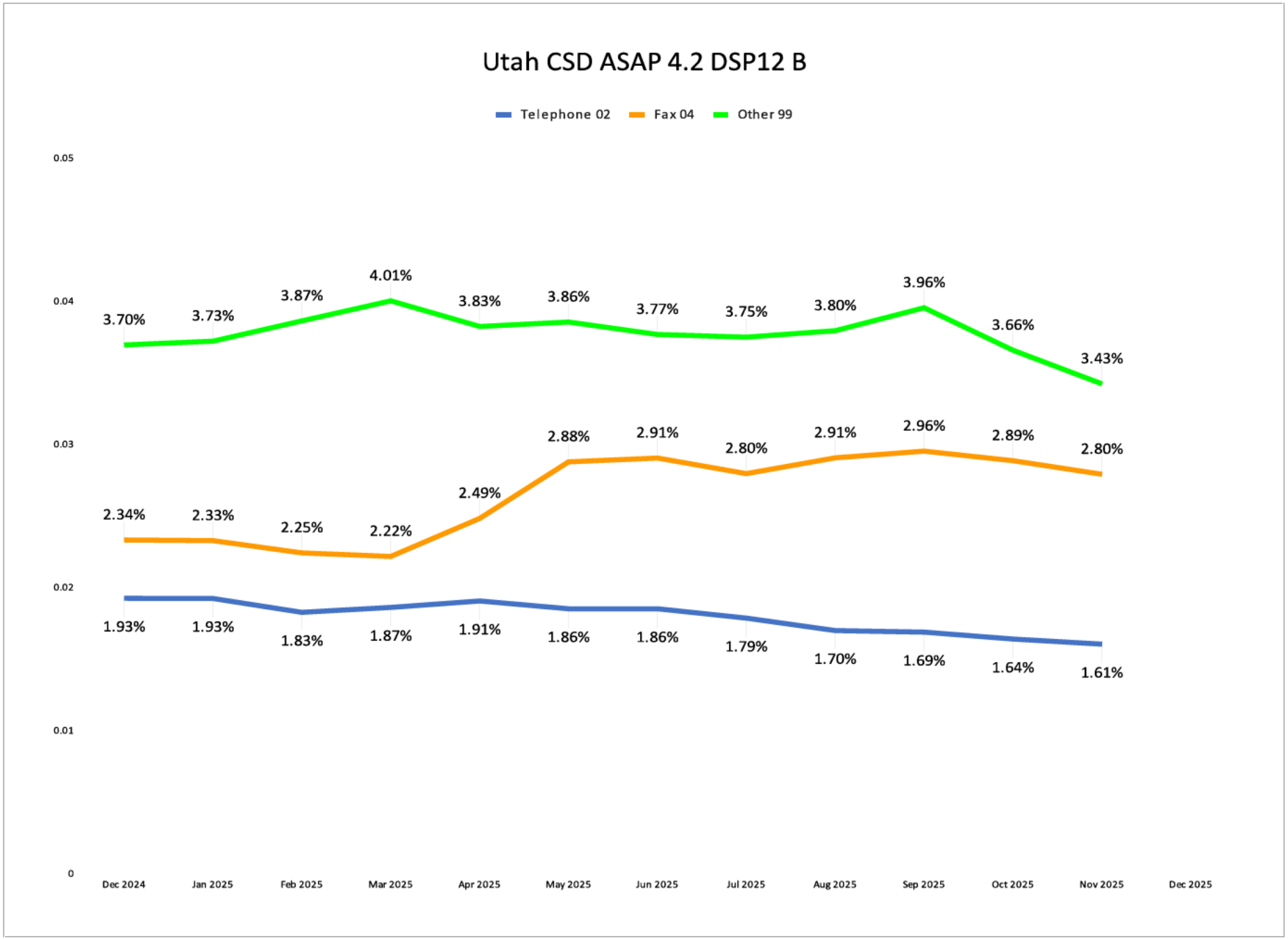
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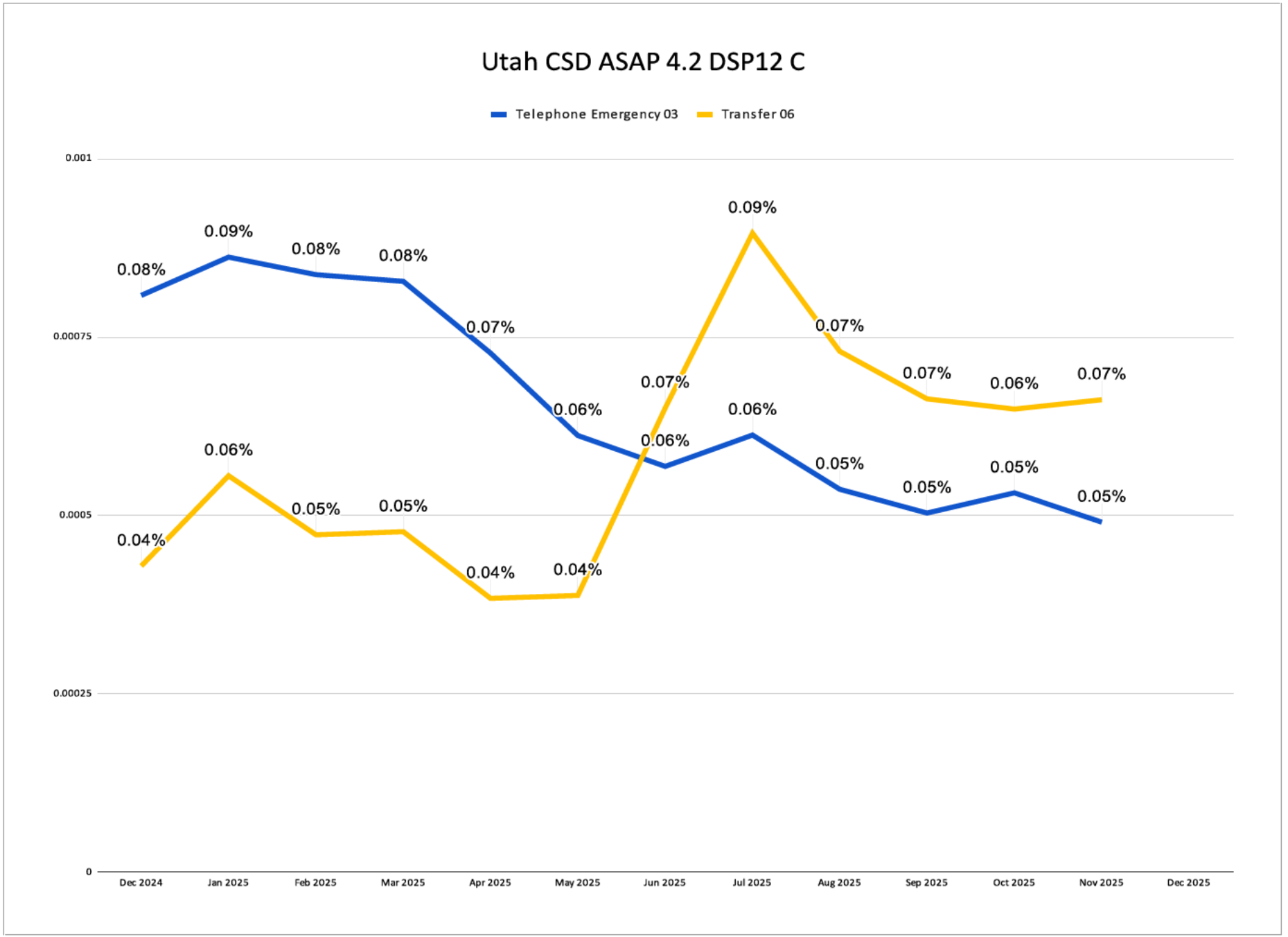
Utah CSD ASAP 4.2 DSP12 C
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R156. Commerce, [~~Occupational and~~]Professional Licensing.
R156-37f. Controlled Substance Database Act Rule.
R156-37f-101. Title.

(1) This rule shall be known as the "Controlled Substance Database Act Rule."
(2) This rule is adopted by the Division under the authority of Subsections 58-1-106(1)(a) and 58-37-6(1)(a) to enable the Division to administer Title 58, Chapter 37f, Controlled Substance Database Act.
(3) The organization of this rule and its relationship to Rule R156-1, General Rule of the Division of Professional Licensing, is as described in Section R156-1-101.

R156-37f-102. Definitions.

Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, Title 58, Chapter 17b, Pharmacy Practice Act, Title 58, Chapter 37, Utah Controlled Substances Act, and Title 58, Chapter 37f, Controlled Substance Database Act. In addition:

(1) "Approved EDS entity" as used in Sections R156-37f-303a and R156-37f-303b means an entity that has signed the electronic health record (EHR) memorandum of understanding with the Division under Subsection R156-37f-303(1).
([~~1~~]2) "ASAP" means the American Society for Automation in Pharmacy system[~~.~~] Version 4.2.
(3) "ASCII" as used in Subsections R156-37f-203(3)(a)(i)(A) and (vii) means the American Standard Code for Information Interchange which is a character encoding standard for electronic communication.
(4) "CMS" as used in Subsections (25) and R156-37f-203(3)(c)(i) means the United States Centers for Medicare and Medicaid Services.
(5) "Conviction" is as defined in Subsection 41-6a-501(2).
(6) "Database" or "CSD" means the Utah's prescription drug monitoring program (PDMP) electronic database for controlled substances that collects, maintains, and disseminates controlled substance prescription information under Subsections 58-37f-201(5) and (6).
(7) "DEA" means Drug Enforcement Administration.
(8) "DHHS" means the Utah Department of Health and Human Services.
(9) "Direct access user" means an individual authorized by the Division to directly log into the electronic controlled substance database to access records.
(10) "Drug of concern" means a drug that demonstrates a potential for abuse or diversion other than a controlled substance as defined by rule.
(11) "DSRG" means the Data Submitter Reference Guide published by the Utah Division of Professional Licensing, June 2020, which is incorporated by reference.
(12) "EDS" means an electronic data system as defined in Subsection 58-37f-303(1)(c).
(13) "EHR" means electronic health record.
(14) "Emergency situation" as used in Subsection 58-37f-304(2)(e)(i) means…
(15) "General acute hospital" is defined in Subsection 26B-2-201(11).
(16) "HIPAA" means the Health Insurance Portability and Accountability Act, 48 C.F.R., Part 324, Subpart 324.70.

(17) “Indirect access user” means an individual who is authorized to receive requeted records in the electronic controlled substance database indirectly through the Division but does not have direct access to the database.
(18) “MOU” means a memorandum of understanding.
(19) "NABP" as used in R156-37f-203(3)(c)(ii)(A) means the National Association of Boards of Pharmacy.
(20) "NCPDP" as used in Subsections R156-37f-203(3)(c)(ii)(A) and R156-37f-301(6)(b)(5)(A) means National Council for Prescription Drug Programs.
(21) "NDC" means National Drug Code.
(22) "NPPES” means the CMS National Plan and Provider Enumeration System.
(23) "NPI” means National Provider Identifier provided through the NPPES as defined in Subsection (25).
(24) “Online state account” includes the State of Utah’s UtahID secure online portal at https://id.utah.gov/.
(25) "ORI" means Originating Agency Identifier Number.
(26) (a) "Point-of-sale date” or "date sold" means the date the prescription drug was:
(i) mailed;
(ii) picked up;
(iii) sold; or
(iv) otherwise left the pharmacy.
(b) “Point-of-sale” does not include the date the pharmacy filled the prescription.
(27) “PDMP” means the prescription drug monitoring program.
(28) “PIC” as used in Subsection (33)(b) and Section R156-37f- 203 means the pharmacist-in-charge.
(29) "Positive identification" means:
(a) a current and valid form of picture identification issued by a foreign or domestic government and includes the following forms:
(i) driver's license;
(ii) non-driver identification card;
(iii) passport;
(iv) military identification; or
(v) concealed weapons permit; or
(b) if an individual does not have government-issued identification, then alternative evidence of the individual's identity as determined appropriate by the PIC or pharmacist of the drug outlet who documents in the prescription record a description of how the individual was positively identified.
(30) “Real-time submission” as used in Subsection R156-37f-203(1)(a)(i) means data is submitted to the Database immediately after a prescription is dispensed to the patient or the patient’s designee.
(31) “Registration” means the Database user:
(i) creates an account in the online controlled substance Database; and
(ii) maintains required credentials for password or multi-factor-authentication for periodic access to the account.
([~~14~~]32) "Research facility" as used in Subsection 58-37f-301(2)(f)(ii)(D) is defined in Subsection R156-17b-102(62)
(33) "Rx" as used in Subsection R156-37f-301(6)(a)(ii)(C) means a drug prescription.

(34) "Security agreement" means the Division's controlled substance security agreement form that a potential user signs attesting the individual or entity will comply with all laws and rules applied to the Database.
(35) "SFTP" means secure file transfer protocol.
(36) "Ultimate user" as used in Subsection R156-37f-203(3)(d)(i) is defined in Section 58-37-2.
(37) "Written agreement" as used in Subsections 58-37f-301(2)(e) through (g) and 58-37f-302(3)(b)(ii) means a formal document that records:
(a) the rights and responsibilities between:
(i) the Division; and
(ii)
(A) a DHHS employee user under Subsection 58-37f-301(2)(e);
(B) a DHHS designee user under Subsection 58-37f-301(2)(f); or
(C) a DHHS authorized employee of a managed care organization user under Subsection 58-37f-301(2)(g); and
(b) the access of the user under Subsection (40)(a)(ii)(A), (B), or (C) to the Database.
(38) "YYYYMMDD" means the calendar date in the order of year, month, and day.
(39) "Zero report" as used in Subsection R156-37f-203(4) and (5) means:
(a) a report that contains the data fields required by Subsection R156-37f-203(5), indicating that no controlled substance required to be reported has been dispensed since the previous submission of data; and
(b) is also known as a null report.

R156-37f-203. Submission and Collection of Data – Format – Required Information.
(1) Under Subsection 58-37f-203(1), each pharmacy or pharmacy group shall submit the required prescription data based on the point-of-sale date as follows:
(a) a single pharmacy shall submit the data in chronological order based on the date and time each prescription was sold[~~.~~]; or
(b) a pharmacy group shall submit the data:
(i) organized by each individual pharmacy within the pharmacy group; and
(ii) in chronological order based on the date and time each prescription was sold by the individual pharmacy.
(2) Under Subsections 58-37f-203(2), (3), and (6), the PIC or the pharmacist of the drug outlet where a controlled substance is dispensed shall submit the required data:
(a) using:
(i) via a secured internet transfer method, including [~~s~~]SFTP site transfer; or
(ii) a secure web base service; and
(b) that is formatted in:
(i) ASAP version 4.2; or
(ii) another format that is:
(A) substantially similar to ASAP version 4.2; and
(B) approved by the Division Database administrator in writing before the initial submission.

(3) Under Subsection 58-37f-203(6), the [~~pharmacist-in-charge~~]PIC and the pharmacist identified in Subsection 58-37f-203(2) shall submit data into the following Database header data fields:

(a) transaction header segment fields:

(i) "data element field identifier" is:

(A) an ASCII character used to separate each data field in the file except that it may not be the caret symbol; and

(B) is chosen by the PIC, pharmacist of the group, or vendor;

(ii) "version/release number" (TH01) is the version of the ASAP format used for submission of the data;

(iii) "transaction control number" (TH02) is a nonrepeating alphanumeric identifier that is:

(A) unique to each data submission; and

(B) is chosen by the PIC, pharmacist of the group, or vendor;

(iv) "creation date" (TH05) is the date the file was made;

(v) "creation time" (TH06) is the time of day the file was made;

(vi) "file type" (TH07) is the specific file that contains test or production data; and

(vii) "segment terminator character" (TH09) is the ASCII character used to separate each data segment in the file, except that it may not be the caret symbol or the same symbol chosen by the pharmacist in Subsection (4)(a)(i)(A);

(b) information source header segment fields:

(i) "unique information source ID" (IS01) is the reference number or phone number of the pharmacy;

(ii) "information source entity name" (IS02) is the entity name submitting the data;

(c) pharmacy data header segment fields:

(i) "NPI" or "National Provider Identifier" (PHA01) is the CMS number assigned to the reporting pharmacy; and

(ii) (A) "provider ID" (PHA02) is the number assigned to the pharmacy by the NCPDP or NABP; or

(B) "DEA number" (PHA03) is the federal DEA registration number assigned to the pharmacy;

(d) patient information header segment fields:

(i) subject to (d)(ii), data submitted in the patient information data fields shall be for the ultimate user of the prescription as follows:

(A) "last name" (PAT07) ;

(B) "first name" (PAT08);

(C) "address information" (PAT12) is the physical or mailing address;

(D) "city address" (PAT14) is the city of the physical or mailing address;

(E) "zip code address" (PAT16) is:

(I) the five-digit zip code if the physical or mailing address is in the United States; or

(II) "00000" if the physical or mailing address is outside of the United States.

(F) "date of birth" (PAT18);

(G) "species code" (PAT20) to differentiate between a human or animal; and

(ii) if the prescription is for an animal:

(A) the patient information in Subsections (d)(i)(A) through (F) shall be the animal owner's or client's information;

(B) "species code" (PAT20) entered shall be for an animal; and

(C) "name of animal" (PAT23) is the name of the animal;

(e) dispensing record header segment fields:

(i) "reporting status" (DSP01) is the code to designate if the prescription is new, a revision, or a void;

(ii) "prescription number" (DSP02) is the serial number assigned to the prescription by the pharmacy that identifies the prescription;

(iii) "date written" (DSP03) is the date the prescription was written by the prescriber;

(iv) "refills authorized" (DSP04) is the number of refills authorized by the prescriber;

(v) "date filled" (DSP05) is the date the dispensing pharmacy prepared or filled the prescription;

(vi) if the prescription is a refill, "fill number" (DSP06) is the number of the refill being dispensed with a zero as the initial fill;

(vii) "product ID qualifier" (DSP07) is the code that identifies the type of product identification number in field DSP08;

(viii) "product ID" (DSP08) is the full product number of the medication from the prescription and is one of the following:

(A) the NDC 11-digit drug identification number without hyphens; or

(B) if there is no NDC number, another number as approved by the Division;

(ix) "quantity dispensed" (DSP09) is the number of metric units dispensed;

(x) "days supply" (DSP10) is the calculated or estimated number of days the prescription will cover;

(xi) "transmission form of prescription origin code" (DSP12) is the code indicating how the prescription was received by the pharmacy;

(xii) "payment code type" (DSP16) is the code indicating the how the prescription was paid for; and

(xiii) "date sold" (DSP17) means the point-of-sale date as defined in Subsection R156-37f-102( );

(f) prescriber information header segment field for "DEA number" (PRE02) is:

(i) the federal DEA registration number of the prescribing practitioner; or

(ii) if the prescriber does not have a federal DEA registration number when reporting a drug of concern, then the prescriber should submit the following:

(A) enter text string "REFER-NPI" in the data field PRE02 and provide the practitioner's NPI number in the data field PRE01; or

(B) enter text string "REFER-SL#" in the data field PRE02 and provide the practitioner's state license number in the data field PRE04;

(g) additional required information reporting fields:

(i) "issuing jurisdiction" (AIR03) is the government that issued the positive identification used to verify the identity of the patient or the patient's designee picking up the dispensed drug, using a code listed in ASAP Appendix A;
(ii) "ID qualifier of individual picking up prescription" (AIR04) is the type of positive identification used to verify the identity of the patient or the patient's designee picking up the dispensed drug, using a code listed in ASAP;
(iii) "ID of individual picking up prescription" (AIR05) is the identification number on the positive identification of the patient or the patient's designee picking up the dispensed drug;
(iv) "last name of individual picking up prescription" (AIR07) means the last name of the patient or the patient's designee picking up the dispensed drug;
(v) "first name of individual picking up prescription" (AIR08) means the last name of the patient or the patient's designee picking up the dispensed drug;
(vi) "last name of pharmacist dispensing the medication" (AIR09) is the last name or initials of the pharmacist dispensing the medication;
(vii) "first name of pharmacist dispensing the medication" (AIR10) even if the pharmacist's initials are provided in AIR09;

(h) compounding drug ingredient detail data fields, if the dispensed drug is a compounded prescription:

(i) "compound drug ingredient sequence number" (CDI01) is the first reportable controlled substance ingredient number;
(ii) "product ID qualifier" (CDI02) is the code to identify the type of number in CDI03;
(iii) "product ID" (CDI03) is the full product number of the medication from the prescription as follows:
(A) for an NDC number, the 11-digit drug identification number without hyphens; or
(B) another number approved by the Division; and
(iv) "component ingredient quantity" (CDI04) is the as the number of metric units used in the prescription;

(i) pharmacy trailer segment data field's "detail segment count" (TP01) is the number of detail segments included for the pharmacy;

(j) transaction trailer segment data fields:

(i) "transaction control number" (TT01) is a nonrepeating alphanumeric unique identifier the same value as TH02; and
(ii) "segment count" (TT02) is the total number of segments included in the transaction; and

(k) a pharmacy or pharmacy group may submit data to any other ASAP version 4.2 field if:

(i) it meets the requirements of the ASAP 4.2 standards for that specific data field's attributes; and
(ii) data is submitted for each data field in the associated segment as defined in Subsection R156-37f-102( ) .

(4) Under Subsection 58-37f-203(6), if the pharmacy has not dispensed any controlled substance that is required to be reported since the pharmacy's last data submission, then the PIC or the

pharmacist shall submit a zero report to the Division that shall include the following ASAP data fields:

(a) transaction header segment fields required under Subsection (3)(a);

(b) information source header segment fields required under Subsection 3(b); and

(c) "message" (IS03) is the date range of the zero reporting period and shall be in the following format: "#YYYYMMDD# - #YYYYMMDD#";

(d) pharmacy data header segment fields required under Subsection 3(c);

(e) patient information header segment fields under Subsection (3)(d)(i)(A) and (B) as follows:

(i) "last name" (PAT07) set as "Report"; and

(ii) "first name" (PAT08) set as "Zero";

(f) dispensing record header segment field "date filled" (DSP05)~~)~~ is the calendar date when no controlled substance or drug of concern was mailed, picked up, dispensed, or left the pharmacy;

(g) pharmacy trailer header segment field under Subsection (3)(i);~~-~~

(h) transaction trailer header segment fields under Subsection (3)(j).

(5) (a) Under Subsection 58-37f-203(2), a Class A, B, D, or E pharmacy or pharmacy group under Subsection 58-17b-102(10), (11), (13), or (14) that has a controlled substance license may request a waiver from submitting daily zero reports if the pharmacy:

(i) is not dispensing controlled substances or any drug of concern; and

(ii) does not anticipate dispensing a controlled substance or drug of concern in the immediate future.

(b) The pharmacy or pharmacy group requesting a waiver under Subsection (5)(a) shall use the Division's pre-approved form to submit the request.

(c) The pharmacy or pharmacy group granted a waiver under this section shall renew its waiver with the Division at the end of each calendar year or the waiver automatically terminates.

(d) If a pharmacy or pharmacy group with a current waiver dispenses a controlled substance or drug of concern:

(i) the waiver shall immediately and automatically terminate;

(ii) the pharmacy or pharmacy group:

(A) is immediately subject to the Database reporting requirements under Subsections 58-37f-203(1) and R156-37f-203(1); and

(B) shall notify the Division in writing that the waiver terminated within 24 hours or the next business day after dispensing the controlled substance or drug of concern, whichever is later.

(6) (a) Under Subsection 58-37f-203(1) and Section 63A-19-403, a patient may submit a request to the Division for a correction to the patient's record:

(i) in person;

(ii) by email to csd@utah.gov;

(iii) by facsimile;

(iv) by United States mail; or

(v) by a third-party carrier.

(b) The Division shall verify the patient's request against the source pharmacy's records before approving or denying a correction request.

(7) (a) Under subsection 58-37f-203(7), Database records shall be stored electronically in the Database for five years.

(b) The Division may archive Database records that are more than five years old daily for removal or de-identification.

(8) Under Subsection 58-37f-203(8)(a), the Database shall collect information for:

(a) a substance which contains any quantity of a derivative of barbituric acid or any salt of any of them, including butalbital which is designated as a Schedule III controlled substance under Subsection 58-37-4(2)(c)(ii); and

(b) gabapentin prescriptions under Subsection 58-37-4(2)(e)(iii) except those prescribed by a veterinarian under Subsection 58-37-6.1.

(9) When directed by the Utah Controlled Substance Advisory committee the division will follow the procedure for updating rules and list any non-controlled substance in rule for collection and tracking as advised by the committee.

R156-37f-301. Access to Database Information.
STILL BEING DRAFTED

R156-37f-302. Other Restrictions on Access to Database.
Subsection 58-37f-302(2), which prohibits any individual or organization with lawful access to the data from being compelled to testify with regard to the data, includes deposition testimony.

R156-37f-303a. Access to Opioid Prescription Through an Electronic Data System (EDS).
(1) Under Subsection 58-37f-303(4)(a)(i), to access opioid prescription information in the Database, an entity requesting to become an approved EDS entity as defined under Subsection R156-37f-102(1) shall:

(a) ensure that the entity's EDS's interfaces with the Database through the Division-approved prescription monitoring program (PMP) hub system;

(b) comply with the restrictions on Database access and use of Database information in Title 58, Chapter 37f, Controlled Substance Database Act, and this rule; ~~and~~

(c) complete an intake form provided by the Division that includes contact information for the eligible entity's:

(i) chief information officer (CIO), or the CIO's designee or equivalent; and

(ii) compliance officer (CO), or the CO's designee or equivalent, who oversees the EDS.

(d) sign a memorandum of understanding (MOU) with the Division using a form approved by the Division that at includes the requirements in Section R156-37f- .

(2) Under Subsection 58-37f-303(4)(a)(ii), to access opioid prescription information in the Database using an EDS, an EDS user shall:

(a) register to use the Database by creating an approved account established by the Division pursuant to a MOU with the Division that meets the requirements of Section R156-37f-303b;

(b) use the unique user name and password associated with the account created for the EDS user to access Database information through the original internet access system; and

(c) comply with the restrictions on Database access and uses of Database information in Title 58, Chapter 37f, Controlled Substance Database Act, and this rule.

(3) (a) The Division shall review the EDS's intake form and MOU and notify the applicant whether the EDS has been approved.

(b) The Division shall work with the eligible entity to resolve any eligibility issues before issuing a denial.

(c) (i) The Division may deny access to an otherwise eligible entity that does not meet the following requirements:

(A) has an active registration with Division of Corporations and Commercial Code or similar government agency if applicant is not required to be registered in the state of Utah; and

(B) internet search for relevant clinic information including:

(I) the entity's website; and

(II) entity's physical address city, zip; and

(ii) If the Division deems it necessary based on Subsections (_)(b)(i), the Division may require an in-person site check by Division personnel.

(4) (a) The Division shall require that each approved EDS entity with an EDS connected to the Database submit to the Division an annual attestation verifying that the EDS meets Database privacy and security requirements.

(b) The entity's annual attestation shall include verification that:

(i) the entity's EDS and users meet the Health Insurance Portability and Accountability Act of 1996 and other state and federal privacy and security laws; and

(ii) the entity provides periodic privacy and security training to each EDS user who connects with the Database.

(5) Only individuals authorized by rule and who hold active Database accounts are authorized to receive results from the Database using a EDS.

(6) (a) Under Subsection 58-37f-303(6)(c), the Division may immediately suspend an entity's EDS or an EDS user's access to the Database if the Division determines by audit or other means that the access:

(i) may lead to a violation of Section 58-37f-601; or

(ii) may otherwise compromise the integrity, privacy, or security of the Database's opioid prescription information.

(b) The Division may suspend or revoke access under Subsection (_)(a) without notice or opportunity to be heard.

(c) This remedy shall be in addition to:

(i) the criminal and civil penalties imposed by Section 58-37f-601 for unlawful release or use of Database information; and

(ii) the Division's obligation under Subsections 58-37f-303(5) and (6) to immediately suspend or revoke Database access and pursue appropriate corrective or disciplinary action against a non-compliant EDS or EDS user.

R156-37f-303b. Memorandum of Understanding – Duties and Responsibilities of an Approved EDS Entity or an Approved EDS User – Access Limited – Data Breach – Withdrawal of Access.

(1) An entity requesting to become an approved EDS entity as defined under Subsection R156-37f-102(1) shall enter a MOU with the Division that meets the requirements of this Section.
(2) Under Subsections 58-37f-303(3) and (4), in the MOU, an approved EDS entity shall agree to the following:
(a) protect the Database and its information including:
(i) maintaining reasonable operational, administrative, technical, and physical safeguards in the entity's EDS;
(ii) ensuring the software necessary to facilitate data exchange with the Database is updated consistently;
(iii) using a credentialing system that limits access to the Database and information obtained from the Database to an approved EDS user;
(iv) providing at least annual privacy and security training for each of the entity's employees, contractors, and others with authorized access to the Database through the entity's EDS; and
(v) implementing and maintaining reasonable procedures to prevent unlawful use or disclosure of protected information obtained from the Database;
(b) ensure that:
(i) only an employee or contractor with a signed agreement with the Division as an approved EDS user has access to the Database;
(ii) each approved entity's EDS user:
(A) is trained on how to:
(I) properly use the EDS; and
(II) prevent unauthorized or inappropriate access, use, or disclosure of protected information including the limits of access and allowable use of Database information;
(B) receives annual privacy and security training;
(C) maintains confidentiality of protected health information; and
(D) complies with:
(I) all state and federal laws governing the use and disclosure of protected health information, confidential information, and other Database information; and
(II) the entity's signed MOU; and
(iii) information submitted to the Database is accurate, complete, and up to date;
(c) only access the Database and use its information within the authorized limits as prescribed by law and the MOU;
(d) be responsible for Database information accessed through the approved entity's EDS including by a contractor or an affiliate with a third-party license;
(e) bear all costs of connecting with the Database under Section 58-37f-501;
(f) (i) participate in Division audits for compliance review that occur:
(A) during normal business hours; and
(B) at a time agreed to by the entity and the Division; and
(ii) make available all information obtained from the Database to the Division for inspection and copying that is:
(A) maintained in a static form; and
(B) not maintained in another format accessible for purposes unrelated to Division audit;

(g) respond to a Division request within 30 days of receiving the request;
(h) except as required or permitted by law, ensure that information obtained from the Database:
(i) is only viewed by the entity's approved EDS users;
(ii) is entered into a patient's chart only if non-approved individuals are unable to access the information; and
(iii) is not:
(A) sold;
(B) data mined;
(C) duplicated, reproduced, disassembled, or decompiled;
(D) used for an unauthorized activity outside of the scope allowed under federal and state law and the MOU;
(E) retained except for auditing purposes and the maintenance of patient records;
(F) used to build or enhance the entity's database or the database of an entity's approved EDS user;
(G) released under HIPAA; or
(H) otherwise made available to an unauthorized user;
(i) where there is a data breach as defined in Subsection 63A-19-101([4]11??) of Database information:
(i) report the security incident to the Division within 24 hours including the type of data breach;
(ii) begin investigating the misuse of information within 72 hours; and
(iii) report the following information to the Division:
(A) the date and time of the data breach;
(B) what data elements were involved;
(C) extent of the data accessed during the breach;
(D) the identification of each individual whose information was affected;
(E) the identity and description of the individual who accessed the data;
(F) how the individual in Subsection (B) accessed the information;
(G) a description of who the information was given to;
(H) whether the misuse has triggered any federal or state laws requiring notification to individuals affected under Subsection (B)(III); and
(I) the approved entity's plan to prevent similar misuse; and

R156-37f-401. Database Registration Required -- Penalties for Failure to Register.

Reserved.

R156-37f-402. Online Tutorial and Test.

Under Section 58-37f-402, the online tutorial and online test for registration to use the Database is available at https://dopl.utah.gov/controlled-substance-database/.

R156-37f-502. Use of dedicated credits -- Controlled Substance Database -- Collection of penalties.

Reserved.

R156-37f-601. Unlawful Release or Use of Database Information -- Criminal and Civil Penalties.

Under Section 58-37f-601, a practitioner, practitioner employee, pharmacist, or emergency department employee who enters Database information into a patient's medical records shall redact that information before allowing a non-user to access the patient's medical records.

R156-37f-602. Failure by Pharmacist to Submit Information – Penalties.

Reserved.

R156-37f-701. Immunity from Liability.

Reserved.

R156-37f-702. Reporting Prescribed Controlled Substance Poisoning or Overdose to a Practitioner.

(1) (a) Under Subsection 58-37f-203(6)(c) and in addition to the information provided under Sections 26B-2-225 and 58-37f-702, the general acute hospital shall submit the following information to the Database:

(i) the physical home address of the individual patient; and

(ii) the first and last name of the general acute hospital employee entering the data.

(b) (i) Under Subsection 58-37f-702(1)(b)(i), the Division shall create a Database report that includes each controlled substance prescribed for an individual admitted to a general acute hospital for poisoning or overdose that involved a prescribed controlled substance to identify each practitioner who may have prescribed a controlled substance to the individual during the 12 months before the individual's admission date.

(ii) Under Subsection 58-37f-702(1)(b), the Division shall notify each practitioner identified in Subsection (2)(b)(i) by email.

(2) (a) When the Division receives a medical examiner's report under Section 26B-8-210 for a decedent whose death resulted from poisoning or overdose involving a controlled substance, the Division shall upload data from the report into the Database.

(b) Under Subsection 58-37f-702(2)(a), if the medical examiner's report under Subsection (2)(a) identifies a practitioner who the medical examiner has reason to believe may have prescribed a controlled substance to the decedent, then the Division shall notify the practitioner by email.

R156-37f-703. Report of Conviction to Practitioners.

(1) Under Subsection 58-37f-703(1), the Division shall create a Database report that includes each controlled substance prescribed for an individual with a conviction of driving under the influence of, or while impaired by, a prescribed controlled substance to identify each practitioner who may have prescribed a controlled substance to an individual during the six months before the individual's arrest date.

(2) Under Subsection 58-37f-703(1)(c), the Division shall notify each practitioner identified under Subsection (1) by email.

KEY: [-]controlled substance database, licensing
Date of Last Change: [~~December 9, 2021~~]2025
Notice of Continuation: [-]July 19, 2022
Authorizing, and Implemented or Interpreted Law: [-]58-1-106(1)(a); 58-37-6(1)(a); 58-37f-301(1)