

Stricken language would be deleted from and underlined language would be added to present law.
Act 46 of the Regular Session

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H1/11/17 H1/20/17
A Bill

HOUSE BILL 1025

By: Representatives Boyd, *Pilkington*

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO AMEND THE PRESCRIPTION DRUG MONITORING
PROGRAM ACT TO ALLOW ACCESS TO THE ARKANSAS MEDICAID
PRESCRIPTION DRUG PROGRAM; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE PRESCRIPTION DRUG MONITORING
PROGRAM ACT TO ALLOW ACCESS TO THE
ARKANSAS MEDICAID PRESCRIPTION DRUG
PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-7-603, concerning the definitions under the Prescription Drug Monitoring Program Act, is amended to add an additional subdivision to read as follows:

(20)(A) "Arkansas Medicaid prescription drug program" means the prescription drug program that is a portion of the Title XIX Medicaid program for the State of Arkansas.

(B) The Arkansas Medicaid prescription drug program includes any entity contracted with the Arkansas Medicaid prescription drug program and to which the Arkansas Medicaid Program has granted authority.

SECTION 2. Arkansas Code § 20-7-606(b)(2), concerning confidentiality of the Prescription Drug Monitoring Program, is amended to read as follows:

(2) Information in the controlled substances database may be accessed by:



(A) A certified law enforcement officer pursuant to a criminal investigation but only after the law enforcement officer obtains a search warrant signed by a judge that demonstrates probable cause to believe that a violation of federal or state criminal law has occurred, that specified information contained in the database would assist in the investigation of the crime, and that the specified information should be released to the certified law enforcement officer;

(B) A regulatory body engaged in the supervision of activities of licensing or regulatory boards of practitioners authorized to prescribe or dispense controlled substances;

(C) A person or entity investigating a case involving breaches of privacy involving the database or its records;

(D) A certified law enforcement prescription drug diversion investigator of a qualified law enforcement agency; ~~or~~

(E) A practitioner within the Arkansas Medicaid prescription drug program; or

~~(E)~~(F) The Department of Human Services or the Crimes Against Children Division of the Department of Arkansas State Police if:

(i) The purpose of the database access is related to an investigation under the Child Maltreatment Act, § 12-18-101 et seq., and not pursuant to a criminal investigation by a certified law enforcement officer; and

(ii) The Department of Human Services has obtained a circuit court order to access the database under § 12-18-622.

/s/Boyd

APPROVED: 01/26/2017