

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1317

By: Representative Boyd

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO AMEND THE PRESCRIPTION DRUG MONITORING
PROGRAM ACT TO ALLOW ACCESS TO THE OFFICE OF MEDICAID
INSPECTOR GENERAL; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE PRESCRIPTION DRUG MONITORING
PROGRAM ACT TO ALLOW ACCESS TO THE OFFICE
OF MEDICAID INSPECTOR GENERAL.

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

SECTION 1. Arkansas Code § 20-7-606(b)(2), concerning the 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;

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

(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; or

(G) The Office of Medicaid Inspector General for review and investigation of fraud, waste, and abuse within the Arkansas Medicaid prescription drug program if access is limited to beneficiaries of the Arkansas Medicaid prescription drug program.

APPROVED: 2/13/19