

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1250

By: Representative L. Johnson
By: Senators J. Boyd, Irvin

For An Act To Be Entitled

AN ACT TO AMEND THE PRESCRIPTION DRUG MONITORING PROGRAM ADVISORY COMMITTEE; TO AMEND THE CONFIDENTIALITY OF AND THE PROVIDING OF INFORMATION BY THE PRESCRIPTION DRUG MONITORING PROGRAM; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE PRESCRIPTION DRUG MONITORING PROGRAM ADVISORY COMMITTEE; AND TO AMEND THE CONFIDENTIALITY OF AND THE PROVIDING OF INFORMATION BY THE PRESCRIPTION DRUG MONITORING PROGRAM.

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

SECTION 1. Arkansas Code § 20-7-605(c), concerning the creation and members of the Prescription Drug Monitoring Program Advisory Committee, is amended to read as follows:

(c) The committee shall consist of:

(1) One (1) representative designated by each of the following organizations:

- (A) The Arkansas Academy of Physician Assistants, Inc.;
- (B) The Arkansas Association of Chiefs of Police;
- (C) The Arkansas Drug Director;
- (D) The Arkansas Medical Society, Inc.;
- (E) The Arkansas Nurses Association;



- (F) The Arkansas Optometric Association, Inc.;
- (G) The Arkansas Osteopathic Medical Association;
- (H) The Arkansas Pharmacist's Association;
- (I) The Arkansas Podiatric Medical Association, Inc.;
- (J) The Arkansas Prosecuting Attorneys Association;
- (K) The Arkansas Sheriffs' Association;
- (L) The Arkansas State Dental Association;
- (M) The Arkansas Veterinary Medical Association;
- (N) The State Board of Health; and
- (O) The Arkansas Public Defender Commission;

(2) One (1) mental health provider or certified drug and alcohol counselor;

(3) One (1) consumer appointed by the Governor;

(4) One (1) obstetrician and gynecologist licensed by the Arkansas State Medical Board and designated by the Department of Health;

(5) One (1) member of the Arkansas Opioid Recovery Partnership designated by the Department of Health;

(6) The Chair of the Arkansas State Medical Board or his or her designee who is also a member of the Arkansas State Medical Board; and

~~(5)~~(7) The President of the Arkansas State Board of Dental Examiners or his or her designee who is also a member of the Arkansas State Board of Dental Examiners.

SECTION 2. 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;

(F) The Department of Human Services or the Crimes Against Children Division 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; or

(H) The State Medical Examiner as authorized by law to investigate causes of deaths for cases under investigation pursuant to his or her official duties and responsibilities.

SECTION 3. Arkansas Code § 20-7-607(b), concerning providing prescription monitoring information from the Prescription Drug Monitoring Program, is amended to read as follows:

(b) The department shall provide information in the program upon request and at no cost only to the following persons:

(1)(A) A person authorized to prescribe or dispense controlled substances for the purpose of providing medical or pharmaceutical care for his or her patients or for reviewing information regarding prescriptions that are recorded as having been issued or dispensed by the requester.

(B) An agent or employee of the prescriber or dispenser to whom the prescriber or dispenser has delegated the task of assessing the data described in this subsection, but only if the agent or employee has been

granted access by a delegate account;

(2) A patient who requests his or her own prescription monitoring information;

(3) A parent or legal guardian of a minor child who requests the minor child's program information;

(4)(A) A designated representative of a professional licensing board of the professions of the healing arts representing healthcare disciplines whose licensees are prescribers pursuant to an investigation of a specific individual, entity, or business licensed or permitted by the licensing board.

(B) Except as permitted by subdivision (a)(2) of this section, the department shall provide information under subdivision (b)(4)(A) of this section only if the requesting licensing board states in writing that the information is necessary for an investigation;

(5) ~~The State Medical Examiner as authorized by law to investigate causes of deaths for cases under investigation pursuant to his or her official duties and responsibilities~~ A mortality review recognized by the department;

(6) Local, state, and federal law enforcement or prosecutorial officials engaged in the administration, investigation, or enforcement of the laws governing controlled substances required to be submitted under this subchapter pursuant to the agency's official duties and responsibilities; and

(7) Personnel of the department for purposes of administration and enforcement of this subchapter.