

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1317

5 By: Representative Boyd  
6 By: Senator Irvin  
7

## For An Act To Be Entitled

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

15 TO AMEND THE PRESCRIPTION DRUG MONITORING  
16 PROGRAM ACT TO ALLOW ACCESS TO THE OFFICE  
17 OF MEDICAID INSPECTOR GENERAL.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 20-7-606(b)(2), concerning the  
23 confidentiality of the Prescription Drug Monitoring Program, is amended to  
24 read as follows:

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

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

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



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

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

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

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

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

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

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

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21 **APPROVED: 2/13/19**  
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