

1 State of Arkansas
2 90th General Assembly
3 Second Extraordinary Session, 2016
4

A Bill

DRAFT JMB/JMB
HOUSE BILL

5 By: Representative Boyd
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For An Act To Be Entitled

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

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14 TO AMEND THE PRESCRIPTION DRUG MONITORING
15 PROGRAM ACT TO ALLOW ACCESS TO THE
16 ARKANSAS MEDICAID PRESCRIPTION DRUG
17 PROGRAM.
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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 § 20-7-603, concerning the definitions under
23 the Prescription Drug Monitoring Program Act, is amended to add an additional
24 subdivision to read as follows:

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

28 (B) The Arkansas Medicaid prescription drug program
29 includes any entity contracted with the Arkansas Medicaid prescription drug
30 program and to which the Arkansas Medicaid Program has granted authority.
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32 SECTION 2. Arkansas Code § 20-7-604, concerning the requirements for
33 the Prescription Drug Monitoring Program, is amended to add an additional
34 subsection to read as follows:

35 (k) The Arkansas Medicaid prescription drug program shall provide to
36 the department a monthly list of all Medicaid beneficiaries in order for the

1 Arkansas Medicaid prescription drug program to be granted access to monitor
 2 prescription misuse and abuse among Medicaid beneficiaries.

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 4 SECTION 3. Arkansas Code § 20-7-606(b)(2), concerning confidentiality
 5 of the Prescription Drug Monitoring Program, is amended to read as follows:

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

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

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

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

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

22 (E) The Arkansas Medicaid prescription drug program; or

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

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

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

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