

ARKANSAS SENATE

88th General Assembly - Regular Session, 2011

Amendment Form

Subtitle of Senate Bill No. 345

AN ACT TO ESTABLISH A PRESCRIPTION DRUG MONITORING PROGRAM.

Amendment No. 5 to Senate Bill No. 345

Amend Senate Bill No. 345 as engrossed, S2/28/11 (version: 02/28/2011 09:04:09 AM)

Add Senator D. Wyatt as a cosponsor of the bill

AND

Add Representatives Allen, Cheatham, Gaskill, Hall, Lea, Pennartz, T. Thompson, Tyler, Webb, B. Wilkins as cosponsors of the bill

AND

Page 4, delete line 21 and substitute the following:
"dispensed to an ultimate user whose address is within Arkansas."

AND

Page 4, delete line 36 and substitute the following:
"(9)(A) A patient identifier.
(B) A patient identifier shall not be a Social Security
number or a driver's license number;"

AND

Page 5, delete line 15 and substitute the following:
"with transmission methods and frequency established by the department.
(g) The department shall create a process for patients to address
errors, inconsistencies, and other matters in their record as maintained
under this section, including in cases of breach of privacy and security.
(h) The department shall limit access to only those employees whose
access is reasonably necessary to carry out this section."

AND



Page 6, delete lines 5 and 6 and substitute the following:

"(M) The Arkansas Veterinary Medical Association;
(N) The State Board of Health;
(O) The Arkansas Public Defender's Commission; and
(P) A mental health provider or certified drug and alcohol

counselor; and"

AND

Page 6, delete line 23

AND

Page 6, delete line 26 and substitute the following:

"substances; or

(C) Cases involving breaches of privacy involving the
database or its records."

AND

Page 7, delete line 17 and substitute the following:

"Monitoring Program upon request and at no cost only to the following
persons:"

AND

Page 7, delete line 26 and 27 and substitute the following:

"(4)(A) A designated representative of a professional licensing
board of the professions of the healing arts representing health care
disciplines whose licensees are prescribers pursuant to an investigation of a
specific individual, entity"

AND

Page 9, line 25 delete "D" and substitute "C"

AND

Page 9, lines 30 and 31 and substitute the following:

"C felony.

(e)(1) It is unlawful for a person to knowingly obtain, use, or
disclose, or attempt to obtain use, or disclose"

AND

Page 9, line 36 delete "D" and substitute "C"

AND

Page 10, delete lines 10 through 12 and substitute the following:

"by the law enforcement officer's agency or department."

(h) This subchapter does not limit a person whose privacy has been compromised unlawfully under this section from bringing a civil action to address the breach of privacy or to recover all damages to which the person may be entitled per violation, including attorney's fees and costs.

20-76-612. Privacy rights protected.

This subchapter does not give authority to any person, agency, corporation, or other legal entity to invade the privacy of any citizen as defined by the General Assembly, the courts, or the United States Constitution or the Constitution of the State of Arkansas other than to the extent provided in this subchapter.

20-7-613. Rules."

AND

Page 10, line 16, delete "20-76-613" and substitute "20-76-614"

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator P. Malone

MGF/CDS - 03/01/11 03:04

MGF283

Secretary