

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S3/9/15

A Bill

SENATE BILL 717

5 By: Senator Irvin
6 By: Representative Boyd
7

For An Act To Be Entitled

9 AN ACT TO ENHANCE THE PRESCRIPTION DRUG MONITORING
10 PROGRAM ACT; AND FOR OTHER PURPOSES.
11

Subtitle

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13 TO ENHANCE THE PRESCRIPTION DRUG
14 MONITORING PROGRAM ACT.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 20-7-607(a) and (b), concerning providing
21 prescription monitoring information, is amended to read as follows:

22 (a)(1)~~(A)~~ The Department of Health may review the Prescription Drug
23 Monitoring Program information, including without limitation a review to
24 identify information that appears to indicate whether a person may be
25 obtaining prescriptions in a manner that may represent misuse or abuse of
26 controlled substances.

27 ~~(2)(B)~~ If information of misuse or abuse is identified, the
28 department shall notify the practitioners and dispensers who prescribed or
29 dispensed the prescriptions.

30 (2)(A) The department may review the Prescription Drug
31 Monitoring Program information, including without limitation a review to
32 identify information that appears to indicate whether a prescriber or
33 dispenser may be prescribing or dispensing prescriptions in a manner that may
34 represent misuse or abuse of controlled substance.

35 (B) If information of misuse or abuse is identified, the
36 department may notify the professional licensing board of the prescriber or



1 dispenser only after the relevant professional licensing board has provided
2 the department with the parameters for triggering a notification from the
3 department to the professional licensing board.

4 (b) The department shall provide information in the Prescription Drug
5 Monitoring Program upon request and at no cost only to the following persons:

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

10 (B) An agent or employee of the prescriber or dispenser to
11 whom the prescriber or dispenser has delegated the task of assessing the data
12 described in this subsection, but only if the agent or employee has been
13 granted access by a delegate account;

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

16 (3) A parent or legal guardian of a minor child who requests the
17 minor child's Prescription Drug Monitoring Program information;

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

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

27 (5) The State Medical Examiner as authorized by law to
28 investigate causes of deaths for cases under investigation pursuant to his or
29 her official duties and responsibilities;

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

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

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/s/ Irvin