

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H1/11/17

A Bill

HOUSE BILL 1025

5 By: Representatives Boyd, *Pilkington*
6 By: Senator Irvin
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For An Act To Be Entitled

9 AN ACT TO AMEND THE PRESCRIPTION DRUG MONITORING
10 PROGRAM ACT TO ALLOW ACCESS TO THE ARKANSAS MEDICAID
11 PRESCRIPTION DRUG PROGRAM; AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO AMEND THE PRESCRIPTION DRUG MONITORING
16 PROGRAM ACT TO ALLOW ACCESS TO THE
17 ARKANSAS MEDICAID PRESCRIPTION DRUG
18 PROGRAM.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 20-7-603, concerning the definitions under
24 the Prescription Drug Monitoring Program Act, is amended to add an additional
25 subdivision to read as follows:

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

29 (B) The Arkansas Medicaid prescription drug program
30 includes any entity contracted with the Arkansas Medicaid prescription drug
31 program and to which the Arkansas Medicaid Program has granted authority.
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33 SECTION 2. Arkansas Code § 20-7-606(b)(2), concerning confidentiality
34 of the Prescription Drug Monitoring Program, is amended to read as follows:

35 (2) Information in the controlled substances database may be
36 accessed by:



1 (A) A certified law enforcement officer pursuant to a
2 criminal investigation but only after the law enforcement officer obtains a
3 search warrant signed by a judge that demonstrates probable cause to believe
4 that a violation of federal or state criminal law has occurred, that
5 specified information contained in the database would assist in the
6 investigation of the crime, and that the specified information should be
7 released to the certified law enforcement officer;

8 (B) A regulatory body engaged in the supervision of
9 activities of licensing or regulatory boards of practitioners authorized to
10 prescribe or dispense controlled substances;

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

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

15 (E) The Arkansas Medicaid prescription drug program; or
16 ~~(E)(F)~~ The Department of Human Services or the Crimes
17 Against Children Division of the Department of Arkansas State Police if:

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

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

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25 /s/Boyd
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