

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

# A Bill

HOUSE BILL 1025

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 ARKANSAS MEDICAID  
11 PRESCRIPTION DRUG PROGRAM; AND FOR OTHER PURPOSES.  
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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 § 20-7-604, concerning the requirements for  
34 the Prescription Drug Monitoring Program, is amended to add an additional  
35 subsection to read as follows:

36 (k) The Arkansas Medicaid prescription drug program shall provide to



1 the department at least monthly a list of all Medicaid beneficiaries in order  
 2 for the Arkansas Medicaid prescription drug program to be granted access to  
 3 monitor prescription misuse and abuse among Medicaid beneficiaries.

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

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

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

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

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

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

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

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

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

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

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