

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1250

5 By: Representative L. Johnson
6 By: Senators J. Boyd, Irvin
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE PRESCRIPTION DRUG MONITORING
10 PROGRAM ADVISORY COMMITTEE; TO AMEND THE
11 CONFIDENTIALITY OF AND THE PROVIDING OF INFORMATION
12 BY THE PRESCRIPTION DRUG MONITORING PROGRAM; AND FOR
13 OTHER PURPOSES.
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Subtitle

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17 TO AMEND THE PRESCRIPTION DRUG MONITORING
18 PROGRAM ADVISORY COMMITTEE; AND TO AMEND
19 THE CONFIDENTIALITY OF AND THE PROVIDING
20 OF INFORMATION BY THE PRESCRIPTION DRUG
21 MONITORING PROGRAM.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 20-7-605(c), concerning the creation and
27 members of the Prescription Drug Monitoring Program Advisory Committee, is
28 amended to read as follows:

29 (c) The committee shall consist of:

30 (1) One (1) representative designated by each of the following
31 organizations:

- 32 (A) The Arkansas Academy of Physician Assistants, Inc.;
- 33 (B) The Arkansas Association of Chiefs of Police;
- 34 (C) The Arkansas Drug Director;
- 35 (D) The Arkansas Medical Society, Inc.;
- 36 (E) The Arkansas Nurses Association;



- 1 (F) The Arkansas Optometric Association, Inc.;
- 2 (G) The Arkansas Osteopathic Medical Association;
- 3 (H) The Arkansas Pharmacist’s Association;
- 4 (I) The Arkansas Podiatric Medical Association, Inc.;
- 5 (J) The Arkansas Prosecuting Attorneys Association;
- 6 (K) The Arkansas Sheriffs’ Association;
- 7 (L) The Arkansas State Dental Association;
- 8 (M) The Arkansas Veterinary Medical Association;
- 9 (N) The State Board of Health; and
- 10 (O) The Arkansas Public Defender Commission;
- 11 (2) One (1) mental health provider or certified drug and alcohol
- 12 counselor;
- 13 (3) One (1) consumer appointed by the Governor;
- 14 (4) One (1) obstetrician and gynecologist licensed by the
- 15 Arkansas State Medical Board and designated by the Department of Health;
- 16 (5) One (1) member of the Arkansas Opioid Recovery Partnership
- 17 designated by the Department of Health;
- 18 (6) The Chair of the Arkansas State Medical Board or his or her
- 19 designee who is also a member of the Arkansas State Medical Board; and
- 20 ~~(5)~~(7) The President of the Arkansas State Board of Dental
- 21 Examiners or his or her designee who is also a member of the Arkansas State
- 22 Board of Dental Examiners.

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24 SECTION 2. Arkansas Code § 20-7-606(b)(2), concerning the

25 confidentiality of the Prescription Drug Monitoring Program, is amended to

26 read as follows:

- 27 (2) Information in the controlled substances database may be
- 28 accessed by:
- 29 (A) A certified law enforcement officer pursuant to a
- 30 criminal investigation but only after the law enforcement officer obtains a
- 31 search warrant signed by a judge that demonstrates probable cause to believe
- 32 that a violation of federal or state criminal law has occurred, that
- 33 specified information contained in the database would assist in the
- 34 investigation of the crime, and that the specified information should be
- 35 released to the certified law enforcement officer;
- 36 (B) A regulatory body engaged in the supervision of

1 activities of licensing or regulatory boards of practitioners authorized to
 2 prescribe or dispense controlled substances;

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

5 (D) A certified law enforcement prescription drug
 6 diversion investigator of a qualified law enforcement agency;

7 (E) A practitioner within the Arkansas Medicaid
 8 prescription drug program;

9 (F) The Department of Human Services or the Crimes Against
 10 Children Division if:

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

15 (ii) The Department of Human Services has obtained a
 16 circuit court order to access the database under § 12-18-622; ~~or~~

17 (G) The Office of Medicaid Inspector General for review
 18 and investigation of fraud, waste, and abuse within the Arkansas Medicaid
 19 prescription drug program if access is limited to beneficiaries of the
 20 Arkansas Medicaid prescription drug program; or

21 (H) The State Medical Examiner as authorized by law to
 22 investigate causes of deaths for cases under investigation pursuant to his or
 23 her official duties and responsibilities.

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 25 SECTION 3. Arkansas Code § 20-7-607(b), concerning providing
 26 prescription monitoring information from the Prescription Drug Monitoring
 27 Program, is amended to read as follows:

28 (b) The department shall provide information in the program upon
 29 request and at no cost only to the following persons:

30 (1)(A) A person authorized to prescribe or dispense controlled
 31 substances for the purpose of providing medical or pharmaceutical care for
 32 his or her patients or for reviewing information regarding prescriptions that
 33 are recorded as having been issued or dispensed by the requester.

34 (B) An agent or employee of the prescriber or dispenser to
 35 whom the prescriber or dispenser has delegated the task of assessing the data
 36 described in this subsection, but only if the agent or employee has been

1 granted access by a delegate account;

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

4 (3) A parent or legal guardian of a minor child who requests the
5 minor child's program information;

6 (4)(A) A designated representative of a professional licensing
7 board of the professions of the healing arts representing healthcare
8 disciplines whose licensees are prescribers pursuant to an investigation of a
9 specific individual, entity, or business licensed or permitted by the
10 licensing board.

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

15 (5) ~~The State Medical Examiner as authorized by law to~~
16 ~~investigate causes of deaths for cases under investigation pursuant to his or~~
17 ~~her official duties and responsibilities~~ A mortality review recognized by the
18 department;

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

23 (7) Personnel of the department for purposes of administration
24 and enforcement of this subchapter.

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