

1 HLS 12-  
2 Regular Session, 2012  
3 House / Senate Bill No. \_\_\_\_\_  
4 By Representative / Senator \_\_\_\_\_  
5

6 CONTROLLED SUBSTANCES: Authorizes sharing of prescription monitoring program  
7 information with prescription monitoring programs located in other states.  
8

9 AN ACT

10

11 To amend and reenact R.S. 40:1007, relative to access to prescription monitoring program  
12 information.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 40:1007 is hereby amended and reenacted to read as follows:

15 §1007. Access to prescription monitoring information

16 A. Except as provided in Subsections C, D, E, F, ~~and G, H, and I~~ of this Section,  
17 prescription monitoring information submitted to the board shall be protected  
18 health information, not subject to public or open records law, including but  
19 not limited to R.S. 44:1 et seq., and not subject to disclosure. Prescription  
20 monitoring information shall not be available for civil subpoena nor shall  
21 such information be disclosed, discoverable, or compelled to be produced in  
22 any civil proceeding nor shall such records be deemed admissible as evidence  
23 in any civil proceeding for any reason. Notwithstanding this provision, law  
24 enforcement and professional licensing, certification, and regulatory agencies

25                   may utilize prescription monitoring information in the course of any  
 26                   investigation and subsequent criminal and administrative proceedings, but  
 27                   only in accordance with federal and state law and the requirements of this  
 28                   Part.

29           B. The board shall maintain procedures to ensure that the privacy and  
 30           confidentiality of patients and patient information collected, recorded,  
 31           transmitted, and maintained is not disclosed to persons or entities except as in  
 32           Subsections C, D, E, F, ~~and G, H, and I~~ of this Section.

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34           G. The board may provide prescription monitoring information in response to  
 35           queries from prescription monitoring programs located in other states,  
 36           through its participation in a secure interstate data exchange system.

37           H. The board may provide prescription monitoring information to authorized  
 38           users of the prescription monitoring program via a state health information  
 39           exchange or other third party conduit that has been approved by the board.

40           G I. ...

41           H J. ...