

1 HLS 17-
2 Regular Session, 2017
3 Senate Bill No. _____
4 By Senator Johns

5
6 CONTROLLED SUBSTANCES: Adds audit trail information to Prescription Monitoring
7 Program and provides for its disclosure; adds additional persons authorized to access prescription
8 monitoring information; updates immunity provisions for board and advisory council.

9
10 AN ACT

11
12 To amend and reenact R.S. 40:1003, relative to definitions, and R.S. 40:1007, relative to access
13 to prescription monitoring information.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 40:1003 and R.S. 40:1007 are hereby amended and reenacted to read as
16 follows:

17 §1003. Definitions

18 * * *

19 (3) “Audit trail information” means information produced regarding requests for
20 prescription monitoring program data that the board or other specified by this
21 Part use to help monitor compliance with this Part and other applicable
22 statutes, rules, or regulations.

23 * * *

CODING: Words in ~~stricken~~ type are proposed deletions from existing law; words underscored are proposed additions.

47 purposes, as those persons are authorized to access similar protected health
48 information under federal and state law and regulation:

49 * * *

50 (5) A medical examiner or coroner, or a delegate thereof, for the purpose
51 of investigating an individual’s death.

52 (6) A licensed substance abuse addiction counselor providing services to
53 a state licensed substance abuse addiction treatment program.

54 (7) A probation or parole officer for the purpose of monitoring an
55 offender’s compliance with participation in a drug diversion program
56 or with other conditions of probation or parole related to monitored
57 drugs.

58 F. The board may provide a report containing prescription monitoring
59 information upon application of local, state, out-of-state, and federal law
60 enforcement or prosecutorial officials, including judicially-supervised drug
61 courts, engaged in the administration, investigation, or enforcement of the
62 laws governing controlled substances or other drugs of concern in compliance
63 with and as limited by the relevant requirements of any of the following:

64 * * *

65 I. The board may provide prescription monitoring information to the following
66 in accordance with procedures established by board regulation:

67 (1) an individual who requests his personal prescription monitoring
68 information ~~in accordance with procedures established by board~~
69 ~~regulation.~~

70 (2) a parent, legal guardian, or legal health care agent, for the purpose of
71 reviewing the history of dispensed monitored drug to a child or an
72 individual for whom the agent makes health care decisions, to the
73 extent consistent with federal and state confidentiality laws and
74 regulations.

75 (3) An executor of a will, or a court-appointed executor of an estate, for
76 the purposes of reviewing the history of dispensed monitored drugs to
77 a deceased individual.

78 J. The board may disclose audit trail information to individuals identified in
79 Subsection E(2), Subsection F, and Subsection I for use in an active
80 investigation of an individual who submitted requests for prescription
81 monitoring information.

82 ~~J.K. The board and advisory council shall be immune from civil liability arising~~
83 ~~from inaccuracy of any of the information submitted to the board pursuant to~~
84 ~~this Part.~~

85 (1) The board and advisory council shall not be subject to civil liability,
86 administrative action, or other legal or equitable relief for the:

87 (a) Failure to possess prescription monitoring information that was
88 not reported to the board;

89 (b) Release of prescription monitoring information or audit trail
90 information that was factually incorrect;

91 (c) Release of prescription monitoring information or audit trail
92 information to the wrong person or entity; or

93 (d) Unlawful access to prescription monitoring information by an
 94 individual, or unlawful disclosure or use of prescription monitoring
 95 information by an individual who requested and received
 96 prescription monitoring information pursuant to this Section.

97 (2) A dispenser or reporting agent shall not be subject to civil liability,
 98 administrative action, or other legal or equitable relief for reporting
 99 prescription monitoring information to the board.

100 (3) A prescriber, dispenser, or other individual, agency, or entity in proper
 101 possession of prescription monitoring information or audit trail
 102 information pursuant to this Part shall not be subject to civil liability,
 103 administrative action, or other legal or equitable relief for accessing,
 104 using, or disclosing prescription monitoring information or audit trail
 105 information pursuant to the provisions of this Section.

106 §1008. Education and treatment

107 A. The board shall, in consultation with an upon recommendation of the advisory
 108 council, implement the following education courses:

109 ~~(1) An orientation course during the implementation phase of the~~
 110 ~~prescription monitoring program.~~

111 ~~(2) A course for persons who are authorized to access the prescription~~
 112 ~~monitoring information, but who did not participate in the orientation~~
 113 ~~course.~~

114 ~~(3) (1) ...~~

115 ~~(4) (2) ...~~

