

Regular Session, 2012

SENATE BILL NO. 112

BY SENATOR JOHNS

INTERGOVERN RELATIONS. Authorizes sharing of prescription monitoring program information with prescription monitoring programs located in other states. (8/1/12)

1 AN ACT

2 To amend and reenact R.S. 40:1007(A), (B), (G), and (H), and to enact R.S. 40:1007(I) and  
3 (J), relative to the Louisiana Board of Pharmacy; relative to the Uniform Controlled  
4 Dangerous Substance Law; to provide for access to prescription monitoring program  
5 information; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1007(A), (B), (G), and (H) are hereby amended and reenacted and  
8 R.S. 40:1007(I) and (J) is hereby enacted to read as follows:

9 §1007. Access to prescription monitoring information

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

1 certification, or regulatory agencies may utilize prescription monitoring information  
 2 in the course of any investigation and subsequent criminal and administrative  
 3 proceedings, but only in accordance with federal and state law and the requirements  
 4 of this Part.

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

9 \* \* \*

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

13 **H. The board may provide prescription monitoring information to**  
 14 **authorized users of the prescription monitoring program via a state health**  
 15 **information exchange or other third party conduit that has been approved by**  
 16 **the board.**

17 ~~G~~ **I.** The board may provide prescription monitoring information to an  
 18 individual who requests his personal prescription monitoring information in  
 19 accordance with procedures established by board regulation.

20 **H.J.** The board and the advisory council shall be immune from civil liability  
 21 arising from inaccuracy of any of the information submitted to the board pursuant  
 22 to this Part.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Lauren Bailey.

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#### DIGEST

Present law provides that prescription monitoring information will be protected health  
 information not subject to disclosure with certain limited exceptions.

Proposed law retains present law and adds the following two exceptions wherein the board  
 may provide prescription monitoring information:

In response to queries from prescription monitoring programs located in other states, through  
 its participation in a secure interstate data exchange system.

To authorized users of the prescription monitoring program via a state health information exchange or other third party conduit that has been approved by the board.

Effective August 1, 2012.

(Amends R.S. 40:1007(A), (B), (G), and (H); adds R.S. 40:1007(I) and (J))