

1 HLS 15-
2 Regular Session, 2015
3 House / Senate Bill No.
4 By Representative / Senator

5
6 CONTROLLED SUBSTANCES: Provides relative to the access and disclosure of prescription
7 monitoring information within a secure interstate data exchange system.

8
9 AN ACT

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

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

25 proceedings, but only in accordance with federal and state law and the requirements
26 of this Part.

27 B – F. ...

28 G. The board may provide prescription monitoring information in response to queries
29 from prescription monitoring programs located in other states, through its
30 participation in a secure interstate data exchange system, and the information may be
31 used by those programs in a manner consistent with this Section. ~~However, the~~
32 ~~board shall not provide prescription monitoring information to prescription~~
33 ~~monitoring programs located in other states unless the laws of the state receiving the~~
34 ~~information provide at a minimum both of the following:~~

35 ~~(1) That the prescription monitoring information is protected health information, not~~
36 ~~subject to the Public Records Law, and not subject to disclosure.~~

37 ~~(2) That the prescription monitoring information shall not be subject to civil~~
38 ~~subpoena, nor shall such information be disclosed, discoverable, or compelled to~~
39 ~~be produced in any civil proceeding, nor shall such records be deemed admissible~~
40 ~~as evidence in any civil proceeding for any reason~~

41 H – J. ...

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