

Regular Session, 2010
HOUSE BILL NO. 1095
BY REPRESENTATIVE MILLS

ACT No. 488

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AN ACT

To amend and reenact R.S. 40:1006(B) and (E) and R.S. 40:1007(D), (E)(1) and (2), and (F)(introductory paragraph), relative to the Prescription Monitoring Program; to provide for reporting; to provide for access to information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1006(B) and (E) and R.S. 40:1007(D), (E)(1) and (2), and (F)(introductory paragraph) are hereby amended and reenacted to read as follows:

§1006. Reporting of prescription monitoring information

* * *

B. Each dispenser shall submit the required information in accordance with transmission methods and frequency established by the board; ~~however, the frequency shall not be more than once per week.~~ Each eligible prescription transaction shall be reported as soon as possible but in no event more than seven days after the date of dispensing.

* * *

E. The Prescription Monitoring Program's agents, a dispenser, or a prescriber may report suspected violations of this Section or violations of any law to any local, state, out-of-state, or federal law enforcement agency, or the appropriate prosecutorial agency for further investigation or prosecution.

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1 §1007. Access to prescription monitoring information

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3 D. The board shall provide prescription monitoring information to public or
4 private entities, whether located in or outside of the state, for public research, policy,
5 or educational purposes, but only after removing information that identifies or could
6 be reasonably used to identify prescribers, dispensers, and individual patients or
7 persons who received prescriptions from prescribers.

8 E. The following persons, after successful completion of the educational
9 courses identified in R.S. 40:1008, may access prescription monitoring information
10 at no cost and in the same or similar manner, and for the same or similar purposes,
11 as those persons are authorized to access similar protected health information under
12 federal and state law and regulation:

13 (1) Persons authorized to prescribe or dispense controlled substances or
14 drugs of concern, for the purpose of providing medical or pharmaceutical care for
15 their patients, or for verifying their prescribing records.

16 (2) Designated representatives from the professional licensing, certification,
17 or regulatory agencies of this state or another state charged with administrative
18 oversight of those professionals engaged in the prescribing or dispensing of
19 controlled substances or other drugs of concern.

20 * * *

21 F. The board may provide a report containing prescription monitoring
22 information upon application of local, state, out-of-state, and federal law
23 enforcement or prosecutorial officials engaged in the administration, investigation,
24 or enforcement of the laws governing controlled substances or other drugs of concern
25 in compliance with and as limited by the relevant requirements of any of the
26 following:

27 * * *

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature
30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____