

1 State of Arkansas *As Engrossed: H1/11/17 H1/20/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1025

4

5 By: Representatives Boyd, *Pilkington*

6 By: Senator Irvin

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For An Act To Be Entitled

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AN ACT TO AMEND THE PRESCRIPTION DRUG MONITORING

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PROGRAM ACT TO ALLOW ACCESS TO THE ARKANSAS MEDICAID

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PRESCRIPTION DRUG PROGRAM; AND FOR OTHER PURPOSES.

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Subtitle

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TO AMEND THE PRESCRIPTION DRUG MONITORING

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PROGRAM ACT TO ALLOW ACCESS TO THE

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ARKANSAS MEDICAID PRESCRIPTION DRUG

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PROGRAM.

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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code § 20-7-603, concerning the definitions under the Prescription Drug Monitoring Program Act, is amended to add an additional subdivision to read as follows:

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(20)(A) "Arkansas Medicaid prescription drug program" means the prescription drug program that is a portion of the Title XIX Medicaid program for the State of Arkansas.

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(B) The Arkansas Medicaid prescription drug program includes any entity contracted with the Arkansas Medicaid prescription drug program and to which the Arkansas Medicaid Program has granted authority.

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SECTION 2. Arkansas Code § 20-7-606(b)(2), concerning confidentiality of the Prescription Drug Monitoring Program, is amended to read as follows:

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(2) Information in the controlled substances database may be

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accessed by:

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1 (A) A certified law enforcement officer pursuant to a
2 criminal investigation but only after the law enforcement officer obtains a
3 search warrant signed by a judge that demonstrates probable cause to believe
4 that a violation of federal or state criminal law has occurred, that
5 specified information contained in the database would assist in the
6 investigation of the crime, and that the specified information should be
7 released to the certified law enforcement officer;

8 (B) A regulatory body engaged in the supervision of
9 activities of licensing or regulatory boards of practitioners authorized to
10 prescribe or dispense controlled substances;

11 (C) A person or entity investigating a case involving
12 breaches of privacy involving the database or its records;

13 (D) A certified law enforcement prescription drug
14 diversion investigator of a qualified law enforcement agency; ~~or~~

15 (E) A practitioner within the Arkansas Medicaid
16 prescription drug program; or

17 ~~(E)~~(F) The Department of Human Services or the Crimes
18 Against Children Division of the Department of Arkansas State Police if:

19 (i) The purpose of the database access is related to
20 an investigation under the Child Maltreatment Act, § 12-18-101 et seq., and
21 not pursuant to a criminal investigation by a certified law enforcement
22 officer; and

23 (ii) The Department of Human Services has obtained a
24 circuit court order to access the database under § 12-18-622.

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26 /s/Boyd
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29 **APPROVED: 01/26/2017**
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