

1 H.647

2 Introduced by Representatives Pugh of South Burlington and Houghton of
3 Essex

4 Referred to Committee on

5 Date:

6 Subject: Human services; Vermont Prescription Monitoring System; access for
7 academic research

8 Statement of purpose of bill as introduced: This bill proposes to enable
9 academic researchers to apply to the Department of Health for access to
10 otherwise confidential data from the Vermont Prescription Monitoring System.

11 An act relating to access to Vermont Prescription Monitoring System data
12 by academic researchers

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 * * * Vermont Prescription Monitoring System * * *

15 Sec. 1. 18 V.S.A. § 4284 is amended to read:

16 § 4284. PROTECTION AND DISCLOSURE OF INFORMATION

17 (a) The data collected pursuant to this chapter and all related information
18 and records shall be confidential, except as provided in this chapter, and shall
19 not be subject to the Public Records Act. The Department shall maintain
20 procedures to protect patient privacy, ensure the confidentiality of patient

1 information collected, recorded, transmitted, and maintained, and ensure that
2 information is not disclosed to any person except as provided in this section.

3 * * *

4 (f)(1) The Department is authorized to use information from VPMS for
5 research, trend analysis, and other public health promotion purposes, provided
6 that data are aggregated or otherwise de-identified. The Department shall post
7 the results of trend analyses on its website for use by health care providers,
8 dispensers, and the general public. When appropriate, the Department shall
9 send alerts relating to identified trends to health care providers and dispensers
10 by electronic mail.

11 (2)(A) The Department may provide confidential disaggregated, de-
12 identified data from VPMS, with the approval of the Commissioner, to
13 academic researchers who present evidence of approval from an institutional
14 review board in accordance with 45 C.F.R. § 164.512. The Department shall
15 not release any data that could lead to the identification of a specific patient.

16 (B) The Commissioner shall adopt by rule pursuant to 3 V.S.A.
17 chapter 25 a process by which academic researchers may submit research
18 proposals and related data requests to the Commissioner for review. The rule
19 shall identify the criteria on which the Commissioner's review and approval is
20 based, including assurances of patient privacy.

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1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2018.