

2015 Regular Session

HOUSE BILL NO. 304

BY REPRESENTATIVES HALL AND LEBAS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DRUGS/PRESCRIPTION: Provides relative to sharing of prescription monitoring program information with equivalent programs of other states

1 AN ACT

2 To amend and reenact R.S. 40:1007(A) and (G), relative to prescription monitoring; to share
3 prescription monitoring program information with equivalent programs in other
4 states; to provide for the security of personal information; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1007(A) and (G) are hereby amended and reenacted to read as
8 follows:

9 §1007. Access to prescription monitoring information

10 A. Except as provided in Subsections C, D, E, F, G, H, and I of this Section,
11 prescription monitoring information submitted to the board shall be protected health
12 information, not subject to public or open records law, including but not limited to
13 R.S. 44:1 et seq., and not subject to disclosure. Prescription monitoring information
14 shall not be available for civil subpoena from the board nor shall such information
15 be 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,
18 certification, or regulatory agencies may utilize prescription monitoring information

1 in the course of any investigation and subsequent criminal and administrative
2 proceedings, but only in accordance with federal and state law and the requirements
3 of this Part.

4 * * *

5 G. The board may provide prescription monitoring information in response
6 to queries from prescription monitoring programs located in other states, through its
7 participation in a secure interstate data exchange system, and the information may
8 be used by those programs in a manner consistent with this Section. ~~However, the~~
9 ~~board shall not provide prescription monitoring information to prescription~~
10 ~~monitoring programs located in other states unless the laws of the state receiving the~~
11 ~~information provide at a minimum both of the following:~~

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

14 (2) ~~That the prescription monitoring information shall not be subject to civil~~
15 ~~subpoena, nor shall such information be disclosed, discoverable, or compelled to be~~
16 ~~produced in any civil proceeding, nor shall such records be deemed admissible as~~
17 ~~evidence in any civil proceeding for any reason.~~

18 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 304 Engrossed 2015 Regular Session Hall

Abstract: Allows for the exchange of information with prescription monitoring programs in other states.

Present law provides for prescription monitoring and provides that health information maintained in the program is protected to maintain privacy and confidentiality of patient health information.

Proposed law retains present law and specifies that prescription monitoring information is not available by subpoena from the board.

Present law allows the use of prescription monitoring information for research or educational purposes but requires any identifying information be removed before the data is used.

Present law allows certain professionals to directly access prescription monitoring information for the care of patients.

Present law limits access to law enforcement agencies to prescription monitoring information to subpoenas or warrants ordering the information.

Present law allows for the provision of prescription monitoring information in response to queries from other states through a secure interstate data exchange system. Proposed law retains present law.

Present law further requires that in order to share information with other states, the other state's system must be at least as secure as required in La. Proposed law changes present law to allow the exchange of information with other states as long as the security is consistent with the requirements of present law.

(Amends R.S. 40:1007(A) and (G))