

**ACT No. 22**

2015 Regular Session

HOUSE BILL NO. 304

BY REPRESENTATIVES HALL AND LEBAS

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  
19 in the course of any investigation and subsequent criminal and administrative  
20 proceedings, but only in accordance with federal and state law and the requirements  
21 of this Part.

22 \* \* \*

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

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

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

14                    \*            \*            \*

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 SPEAKER OF THE HOUSE OF REPRESENTATIVES

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 PRESIDENT OF THE SENATE

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 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_