

RÉSUMÉ DIGEST

ACT 241 (SB 96)

2017 Regular Session

Johns

Prior law provided for access to prescription monitoring information.

New law establishes a definition for "audit trail information".

New law provides for access to prescription monitoring information and audit trail information.

Prior law provided statutory authority for certain specific individuals to have access to prescription monitoring program information including persons authorized to prescribe or dispense controlled dangerous substances, designated representatives from health professional licensing boards that regulate prescribers and dispensers, designated representatives from La. Medicaid, and the designated vendor managing the prescription monitoring program for the Board of Pharmacy (board).

New law adds medical examiners, coroners, licensed substance abuse or addiction counselors, and probation and parole officers to those who may access prescription monitoring program information in certain circumstances.

New law adds judicially supervised specialty courts within the criminal justice system that are authorized by the La. Supreme Court to the list of law enforcement and judicial entities that may obtain limited data in report form from the prescription monitoring program.

New law authorizes the board to provide prescription monitoring program information in limited circumstances to individuals, parents, legal guardians, legal healthcare agents, and executors of a will or a court-appointed succession representative of an estate.

New law provides that audit trail information may be disclosed to certain individuals in the course of an investigation.

Prior law provided a limitation of liability to the board and advisory council arising from inaccuracy of any information submitted to the board.

New law expands and clarifies the limitation of liability to include failure to possess prescription monitoring information that was not reported to the board, release of information that was factually incorrect, and release of information to the wrong person.

Prior law provided for an orientation course during implementation of the prescription monitoring program and a course for those who missed orientation.

New law repeals references to orientation training but retains other trainings on prescribing practices.

Prior law provided penalties for a dispenser who fails to submit prescription monitoring information to the board and who knowingly discloses prescription monitoring information in violation of the law.

New law expands the penalties to also include instances where a dispenser fails to correct or amend data after notification by the board and where he knowingly accesses prescription monitoring information in violation of the law.

Effective upon signature of the governor (June 14, 2107).

(Amends R.S. 40:1007(A), (B), (E)(intro para), (F)(intro para), (I), and (J), 1008(A), and 1009(A) and (B); adds R.S. 40:1003(15) and 1007(E)(5), (6), and (7), and (K))