

21-2A-02.

(A) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN, IN CONSULTATION WITH THE BOARD, A PRESCRIPTION DRUG MONITORING PROGRAM THAT ELECTRONICALLY COLLECTS AND STORES DATA CONCERNING MONITORED PRESCRIPTION DRUGS.

(B) THE SECRETARY MAY:

(1) ASSIGN RESPONSIBILITY FOR THE OPERATION OF THE PROGRAM TO ANY UNIT IN THE DEPARTMENT; AND

(2) CONTRACT WITH ANY QUALIFIED PERSON AS THE SECRETARY DEEMS NECESSARY FOR THE EFFICIENT AND ECONOMICAL OPERATION OF THE PROGRAM.

(C) THE SECRETARY, IN CONSULTATION WITH THE BOARD, SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

(D) THE REGULATIONS ADOPTED BY THE SECRETARY SHALL:

(1) ASSIST HEALTH CARE PROVIDERS AND LAW ENFORCEMENT PROFESSIONALS IN:

(I) THE IDENTIFICATION, TREATMENT, AND PREVENTION OF PRESCRIPTION DRUG ABUSE; AND

(II) THE IDENTIFICATION AND INVESTIGATION OF UNLAWFUL PRESCRIPTION DRUG DIVERSION;

~~(1)~~ (2) PROMOTE A BALANCED USE OF PRESCRIPTION MONITORING DATA TO ASSIST APPROPRIATE LAW ENFORCEMENT ACTIVITIES WHILE PRESERVING THE PROFESSIONAL PRACTICE OF HEALTH CARE PROVIDERS AND THE ACCESS OF PATIENTS TO OPTIMAL PHARMACEUTICAL CARE;

~~(2)~~ (3) IDENTIFY THE CIRCUMSTANCES UNDER WHICH PRESCRIPTION MONITORING DATA ARE PROVIDED TO AN AUTHORIZED RECIPIENT, WITH SUCH CIRCUMSTANCES TO PARALLEL AS CLOSELY AS IS APPROPRIATE AN AUTHORIZED RECIPIENT'S AUTHORITY TO ACCESS SIMILAR CONFIDENTIAL INFORMATION UNDER CURRENT FEDERAL AND STATE LAWS AND REGULATIONS;

~~(3)~~ (4) IDENTIFY THE CIRCUMSTANCES UNDER WHICH AN AUTHORIZED RECIPIENT MAY DISCLOSE PRESCRIPTION MONITORING DATA PROVIDED BY THE PROGRAM;

~~(4)~~ (5) IDENTIFY THE CIRCUMSTANCES UNDER WHICH A FEDERAL LAW ENFORCEMENT AGENCY, A STATE OR LOCAL LAW ENFORCEMENT AGENCY, OR A LICENSING ENTITY THAT HAS RECEIVED PRESCRIPTION MONITORING DATA SHALL CONSULT WITH THE MULTIDISCIPLINARY CONSULTATION TEAM ESTABLISHED UNDER § 21-2A-04 OF THIS SUBTITLE ABOUT THE INTERPRETATION OF THE PRESCRIPTION MONITORING DATA;