

House Bill 782

By: Representatives Rhodes of the 120<sup>th</sup>, Cooper of the 43<sup>rd</sup>, Rogers of the 10<sup>th</sup>, Hawkins of the 27<sup>th</sup>, and Newton of the 123<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 16-13-60 of the Official Code of Georgia Annotated, relating to  
2 privacy and confidentiality, use of data, and security program for the prescription drug  
3 monitoring program data base, so as to revise provisions relating to permissible users with  
4 access to the data base; to provide for related matters; to repeal conflicting laws; and for  
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 16-13-60 of the Official Code of Georgia Annotated, relating to privacy and  
9 confidentiality, use of data, and security program for the prescription drug monitoring  
10 program data base, is amended by revising subsection (c) as follows:

11 "(c) The department shall be authorized to provide requested prescription information  
12 collected pursuant to this part only as follows:

13 (1) To persons authorized to prescribe or dispense controlled substances for the sole  
14 purpose of providing medical or pharmaceutical care to a specific patient;

15 (2) Upon the request of a patient, prescriber, or dispenser about whom the prescription  
16 information requested concerns or upon the request on his or her behalf of his or her  
17 attorney;

18 (3) To local or state law enforcement or prosecutorial officials pursuant to the issuance  
19 of a search warrant from an appropriate court or official in the county in which the office  
20 of such law enforcement or prosecutorial officials are located ~~pursuant to Article 2 of~~  
21 ~~Chapter 5 of Title 17~~ or to federal law enforcement or prosecutorial officials pursuant to  
22 the issuance of a search warrant pursuant to 21 U.S.C. or a grand jury subpoena pursuant  
23 to 18 U.S.C.;

24 (4) To the agency, the Georgia Composite Medical Board or any other state regulatory  
25 board governing prescribers or dispensers in this state, or the Department of Community  
26 Health for purposes of the state Medicaid program, for health oversight purposes, or upon

the issuance of a subpoena by such agency, board, or Department of Community Health pursuant to their existing subpoena power or to the federal Centers for Medicare and Medicaid Services upon the issuance of a subpoena by the federal government pursuant to its existing subpoena ~~powers~~ power;

(5)(A) To not more than two individuals who are members per shift or rotation of the prescriber's or dispenser's staff ~~or employed at the health care facility in which the prescriber is practicing, provided that such individuals:~~

~~(i) Are licensed under Chapter 11, 30, 34, or 35 of Title 43;~~

~~(ii) Are registered under Title 26;~~

~~(iii) Are licensed under Chapter 26 of Title 43 and submit to the annual registration process required by subsection (a) of Code Section 16-13-35, and for purposes of this Code section, such individuals shall not be deemed exempted from registration as set forth in subsection (g) of Code Section 16-13-35; or~~

~~(iv) Submit to the annual registration process required by subsection (a) of Code Section 16-13-35, and for purposes of this Code section, such individuals shall not be deemed exempted from registration as set forth in subsection (g) of Code Section 16-13-35;~~

(B) Such individuals may retrieve and review such information strictly for the purpose of:

(i) Providing medical or pharmaceutical care to a specific patient; or

(ii) Informing the prescriber or dispenser of a patient's potential use, misuse, abuse, or underutilization of prescribed medication;

(C) All information retrieved and reviewed by such individuals shall be maintained in a secure and confidential manner in accordance with the requirements of subsection (f) of this Code section; and

(D) The delegating prescriber or dispenser may be held civilly liable and criminally responsible for the misuse of the prescription information obtained by such individuals;

(6) To not more than two individuals, per shift or rotation, who are employed or contracted by the health care facility in which the prescriber is practicing so long as the medical director of such health care facility has authorized the particular individuals for such access; ~~and~~

(7) In any hospital which provides emergency services, each prescriber may designate two individuals, per shift or rotation, who are employed or contracted by such hospital so long as the medical director of such hospital has authorized the particular individuals for such access; and

(8) To a prescription drug monitoring program operated by a government entity in another state or an electronic medical records system operated by a prescriber or health

64 care facility, provided the program or system, as determined by the department, contains  
65 legal, administrative, technical, and physical safeguards that meet or exceed the security  
66 measures of the department for the operation of the PDMP pursuant to this part."

67 **SECTION 2.**

68 All laws and parts of laws in conflict with this Act are repealed.