

CHAPTER 30**(HB 213)**

AN ACT relating to data-sharing of prescription drug monitoring information.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 218A.245 is amended to read as follows:

- (1) The secretary of the Cabinet for Health and Family Services may enter into reciprocal agreements or a contract, either directly with any other state or states of the United States *or any jurisdiction, county, or political subdivision thereof*, or with an organization administering the exchange of interstate data on behalf of the prescription monitoring program of one (1) or more states *or jurisdictions*, to share prescription drug monitoring information if the other ~~{state's}~~ prescription drug monitoring program or ~~{the organization's}~~ data exchange program is compatible with the program in Kentucky. If the secretary elects to evaluate the prescription drug monitoring program of another state, *jurisdiction*, or organization as authorized by this section, priority shall be given to a state *or jurisdiction* that is contiguous with the borders of the Commonwealth or an organization that offers connectivity with a contiguous state *or jurisdiction*.
- (2) In determining compatibility, the secretary shall consider:
 - (a) The essential purposes of the program and the success of the program in fulfilling those purposes;
 - (b) The safeguards for privacy of patient records and its success in protecting patient privacy;
 - (c) The persons authorized to view the data collected by the program;
 - (d) The schedules of controlled substances monitored;
 - (e) The data required to be submitted on each prescription or dispensing;
 - (f) Any implementation criteria deemed essential for a thorough comparison; and
 - (g) The costs and benefits to the Commonwealth in mutually sharing particular information available in the Commonwealth's database with the program under consideration.
- (3) The secretary shall review any agreement on an annual basis to determine its continued compatibility with the Kentucky prescription drug monitoring program.
- (4) The secretary shall prepare an annual report to the Governor and the Legislative Research Commission that summarizes any agreement under this section and that analyzes the effectiveness of that agreement in monitoring the prescribing and dispensing of controlled substances in the Commonwealth.
- (5) Any agreement between the cabinet and another state, *jurisdiction*, or organization shall prohibit the sharing of information about a Kentucky resident, practitioner, pharmacist, or other prescriber or dispenser for any purpose not otherwise authorized by this section or KRS 218A.202.

Signed by Governor March 28, 2018.