

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

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

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

4 (1) The secretary of the Cabinet for Health and Family Services may enter into
5 reciprocal agreements or a contract, either directly with any other state or states of
6 the United States ***or any jurisdiction, county, or political subdivision thereof,*** or
7 with an organization administering the exchange of interstate data on behalf of the
8 prescription monitoring program of one (1) or more states ***or jurisdictions,*** to share
9 prescription drug monitoring information if the other ~~{state's}~~ prescription drug
10 monitoring program or ~~{the organization's}~~ data exchange program is compatible
11 with the program in Kentucky. If the secretary elects to evaluate the prescription
12 drug monitoring program of another state, ***jurisdiction,*** or organization as
13 authorized by this section, priority shall be given to a state ***or jurisdiction*** that is
14 contiguous with the borders of the Commonwealth or an organization that offers
15 connectivity with a contiguous state ***or jurisdiction.***

16 (2) In determining compatibility, the secretary shall consider:

- 17 (a) The essential purposes of the program and the success of the program in
18 fulfilling those purposes;
- 19 (b) The safeguards for privacy of patient records and its success in protecting
20 patient privacy;
- 21 (c) The persons authorized to view the data collected by the program;
- 22 (d) The schedules of controlled substances monitored;
- 23 (e) The data required to be submitted on each prescription or dispensing;
- 24 (f) Any implementation criteria deemed essential for a thorough comparison; and
- 25 (g) The costs and benefits to the Commonwealth in mutually sharing particular
26 information available in the Commonwealth's database with the program
27 under consideration.

- 1 (3) The secretary shall review any agreement on an annual basis to determine its
2 continued compatibility with the Kentucky prescription drug monitoring program.
- 3 (4) The secretary shall prepare an annual report to the Governor and the Legislative
4 Research Commission that summarizes any agreement under this section and that
5 analyzes the effectiveness of that agreement in monitoring the prescribing and
6 dispensing of controlled substances in the Commonwealth.
- 7 (5) Any agreement between the cabinet and another state, jurisdiction, or organization
8 shall prohibit the sharing of information about a Kentucky resident, practitioner,
9 pharmacist, or other prescriber or dispenser for any purpose not otherwise
10 authorized by this section or KRS 218A.202.