

## 22 §7250. ACCESS TO PRESCRIPTION MONITORING INFORMATION AND CONFIDENTIALITY

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**1. Confidentiality.** Except as provided in this section, prescription monitoring information submitted to the office is confidential and is not a public record as defined in Title 1, section 402, subsection 3.

[ 2003, c. 483, §1 (NEW) . ]

**2. Review of information.** If the prescription monitoring information surpasses thresholds as established by the office, the office shall notify the prescriber, the dispenser and, if the office determines it to be necessary, the professional licensing entity and provide all relevant prescription monitoring information to those persons and entities through an established letter of notification.

[ 2003, c. 483, §1 (NEW) . ]

**3. Permissible disclosure of information.** The office may provide prescription monitoring information for public research, policy or education purposes as long as all information reasonably likely to reveal the patient or other person who is the subject of the information has been removed.

[ 2003, c. 483, §1 (NEW) . ]

**4. Access to information.** The following persons may access prescription monitoring information:

A. A prescriber, insofar as the information relates to a patient under the prescriber's care; [ 2003, c. 483, §1 (NEW) . ]

B. A dispenser, insofar as the information relates to a customer of the dispenser seeking to have a prescription filled; [ 2003, c. 483, §1 (NEW) . ]

C. The executive director, or a board investigator as designated by each board, of the state boards of licensure of podiatric medicine, dentistry, pharmacy, medicine, osteopathy, veterinary medicine, nursing or other boards representing health care disciplines whose licensees are prescribers, as required for an investigation, with reasonable cause; [ 2003, c. 483, §1 (NEW) . ]

D. A patient to whom a prescription is written, insofar as the information relates to that patient; [ 2009, c. 196, §1 (AMD); 2009, c. 298, §1 (AMD) . ]

E. Office personnel or personnel of any vendor or contractor, as necessary for establishing and maintaining the program's electronic system; [ 2009, c. 1, §14 (COR) . ]

F. The Office of Chief Medical Examiner for the purpose of conducting an investigation or inquiry into the cause, manner and circumstances of death in a medical examiner case as described in section 3025. Prescription monitoring information in the possession or under the control of the Office of Chief Medical Examiner is confidential and, notwithstanding section 3022, may not be disseminated. Information that is not prescription monitoring information and is separately acquired following access to prescription monitoring information pursuant to this paragraph remains subject to protection or dissemination in accordance with section 3022; and [ 2009, c. 1, §15 (COR) . ]

*(Paragraph F as enacted by PL 2009, c. 298, §3 is REALLOCATED TO TITLE 22, SECTION 7250, SUBSECTION 4, PARAGRAPH G)*

G. (REALLOCATED FROM T. 22, §7250, sub-§4, ¶F) The office that administers the MaineCare program pursuant to chapter 855 for the purposes of managing the care of its members, monitoring the purchase of controlled substances by its members and avoiding duplicate dispensing of controlled substances. [2009, c. 1, §16 (RAL).]

[ 2009, c. 1, §§14-16 (COR) .]

**5. Purge of information.** The office shall purge from the program all information that is more than 6 years old.

[ 2003, c. 483, §1 (NEW) .]

SECTION HISTORY

2003, c. 483, §1 (NEW). 2009, c. 196, §§1-3 (AMD). 2009, c. 298, §§1-3 (AMD). RR 2009, c. 1, §§14-16 (COR).

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