



## ADMINISTRATIVE RULES OF MONTANA



### **24.174.1708 ACCESS TO PRESCRIPTION DRUG REGISTRY INFORMATION**

- (1) The following persons may have direct online access to prescription drug registry information:
  - (a) licensed practitioners having authority to prescribe prescription drugs, or that practitioner's authorized agent, for the purpose of providing medical and/or pharmaceutical care for their patients, or for patients referred for medical care and/or pharmaceutical care;
  - (b) licensed pharmacists authorized to dispense prescription drugs, or that pharmacist's authorized agent, for the purpose of providing pharmaceutical care for their patients or for patients referred for care;
  - (c) designated representatives from the Montana Medicare or Medicaid programs, Tribal Health, Indian Health Service, and Veterans Affairs regarding program recipients;
  - (d) board staff for administrative and compliance purposes; and
  - (e) any vendor or contractor establishing or maintaining the prescription drug registry.
- (2) To access registry information, each user must first complete the registration form, terms of use or equivalent agreement, and confidentiality agreement provided by the board. The board will provide educational material about the MPDR program online at [www.mpdr.mt.gov](http://www.mpdr.mt.gov).
- (3) Access for user is restricted:
  - (a) in the case of a licensed practitioner having authority to prescribe prescription drugs, or that practitioner's authorized agent, to:
    - (i) the practitioner's own prescribing information; or
    - (ii) prescription records for a patient of the practitioner to whom the practitioner is providing or considering providing medical and/or pharmaceutical care;
  - (b) in the case of a licensed pharmacist, or that pharmacist's authorized agent, to prescription records for a patient for whom the pharmacist is providing pharmaceutical care, dispensing, or considering dispensing a prescription;
  - (c) in the case of a designated representative of the Montana Medicare or Medicaid programs, Tribal Health, Indian Health Service, and Veterans Affairs, to prescription records related to a participant in the program;
  - (d) in the case of authorized representatives of the board, to:
    - (i) that necessary to respond to legitimate inquiries; or
    - (ii) that necessary for legitimate inquiries under ARM 24.174.1706;

- (e) in the case of an authorized vendor or contractor, to technical work necessary to establish or maintain the prescription drug registry databank.
- (4) For each user:
  - (a) information accessed from the prescription drug registry must be kept confidential;
  - (b) information accessed from the prescription drug registry must not be disclosed to any unauthorized person; and
  - (c) user account information, login names, and passwords must not be shared with any person, regardless of whether that person is also an authorized user of the prescription drug registry.
- (5) Prior to granting access to the registry, the board shall verify that the applicant is licensed to prescribe or dispense prescription drugs, or in the case of an agency applicant, the board shall verify that the applicant is the designated representative of the Montana Medicare or Medicaid programs, Tribal Health, Indian Health Service, or Veterans Affairs.
- (6) Upon verification of all requirements, the board shall issue the appropriate information necessary for online access to the prescription drug registry.
- (7) Upon notification that an authorized user no longer possesses authority to prescribe, dispense, or represent Medicare or Medicaid programs, Tribal Health, Indian Health Services, Veterans Affairs, or the board, the board shall terminate the user's access to the prescription drug information.
- (8) Persons authorized in 37-7-1506(1)(d) and (e), MCA, to obtain information from the prescription drug registry must apply for that information by:
  - (a) completing the registration form, terms of use or equivalent agreement, and confidentiality agreement provided by the board and provide appropriate credentialing; or
  - (b) serving upon the board or its designee, an investigative subpoena directing the board to release a profile to the county coroner or a peace officer employed by a federal, state, tribal, or local law enforcement agency.
- (9) Individual patients may request their own prescription registry information from the board or their provider. If requesting from the board, the requester shall complete and return the form provided by the board. A copy of the information will be provided at no charge to the individual.
- (10) If the prescription drug registry receives evidence of inappropriate or unlawful use or disclosure of prescription registry information by an authorized user, the board shall file a complaint with the user's licensing board.

**Authorizing statute(s):** 37-7-1506, 37-7-1512, MCA

**Implementing statute(s):** 37-7-1506, 37-7-1512, MCA

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**History:** NEW, 2012 MAR p. 506, Eff. 3/9/12; AMD, 2024 MAR p. 2219, Eff. 9/21/24.