124.553 Information access.

1. The board may provide information from the program to the following:
   a. (1) A pharmacist or prescribing practitioner who requests the information and certifies in a form specified by the board that it is for the purpose of providing medical or pharmaceutical care to a patient of the pharmacist or prescribing practitioner. A pharmacist or a prescribing practitioner may delegate program information access to another authorized individual or agent only if that individual or agent registers for program information access, pursuant to board rules, as an agent of the pharmacist or prescribing practitioner. Board rules shall identify the qualifications for a pharmacist’s or prescribing practitioner’s agent and shall limit the number of agents to whom each pharmacist or prescribing practitioner may delegate program information access.
   (2) Notwithstanding subparagraph (1), a prescribing practitioner may delegate program information access to another licensed health care professional in emergency situations where the patient would be placed in greater jeopardy if the prescribing practitioner was required to access the information personally.
   b. An individual who requests the individual’s own program information in accordance with the procedure established in rules of the board and advisory council adopted under section 124.554.
   c. Pursuant to an order, subpoena, or other means of legal compulsion for access to or release of program information that is issued based upon a determination of probable cause in the course of a specific investigation of a specific individual.
   d. A prescription database or monitoring program in another jurisdiction pursuant to subsection 7.
   e. An institutional user established by the board to facilitate the secure access of a prescribing practitioner or pharmacist to the program through electronic health and pharmacy information systems.
   f. The state medical examiner or a county medical examiner as appointed pursuant to section 331.801 or 691.5 or a medical examiner investigator recognized by the office of the state medical examiner when the information requested by the examiner or investigator relates to an investigation being conducted by the examiner or investigator.
   g. A prescribing practitioner or pharmacist through the use of a targeted distribution of proactive notifications.
   h. A prescribing practitioner for the issuance of a required report pursuant to section 124.554, subsection 3.

2. The board shall maintain a record of each person that requests information from the program and of all proactive notifications distributed to prescribing practitioners and dispensing pharmacists as provided in subsection 1, paragraph “g”. Pursuant to rules adopted by the board under section 124.554, the board may use the records to document and report statistical information, and may provide program information for statistical, public research, public policy, or educational purposes, after removing personal identifying information of a patient, prescribing practitioner, dispenser, or other person who is identified in the information.

3. Information contained in the program and any information obtained from it, and information contained in the records of requests for information from the program and information distributed to prescribing practitioners and dispensing pharmacists as provided in subsection 1, paragraph “g”, is privileged and strictly confidential information. Such information is a confidential public record pursuant to section 22.7, and is not subject to discovery, subpoena, or other means of legal compulsion for release except as provided in this subchapter. Information from the program shall not be released, shared with an agency or institution, or made public except as provided in this subchapter.

4. A pharmacist or other dispenser making a report to the program reasonably and in good faith pursuant to this subchapter is immune from any liability, civil, criminal, or administrative, which might otherwise be incurred or imposed as a result of the report.

5. Nothing in this section shall require a pharmacist or prescribing practitioner to obtain information about a patient from the program. A pharmacist or prescribing practitioner does
not have a duty and shall not be held liable in damages to any person in any civil or derivative
criminal or administrative action for injury, death, or loss to person or property on the basis
that the pharmacist or prescribing practitioner did or did not seek or obtain or use information
from the program. A pharmacist or prescribing practitioner acting reasonably and in good
faith is immune from any civil, criminal, or administrative liability that might otherwise be
incurred or imposed for requesting or receiving or using information from the program.

6. The board shall not charge a fee to a pharmacy, pharmacist, or prescribing practitioner
for the establishment, maintenance, or administration of the program, including costs for
forms required to submit information to or access information from the program, except
that the board may charge a fee to an individual who requests the individual’s own program
information. A fee charged pursuant to this subsection shall not exceed the actual cost of
providing the requested information and shall be considered a repayment receipt as defined
in section 8.2.

7. The board may enter into an agreement with a prescription database or monitoring
program operated in any state for the mutual exchange of information. Any agreement
entered into pursuant to this subsection shall specify that all the information exchanged
pursuant to the agreement shall be used and disseminated in accordance with the laws of
this state.

58, §1; 2014 Acts, ch 1053, §1, 2; 2016 Acts, ch 1052, §3, 4; 2017 Acts, ch 54, §76; 2017 Acts,
ch 152, §1; 2017 Acts, ch 162, §3, 25; 2018 Acts, ch 1138, §6, 13, 18, 19

Referred to in §22.7(51), 124.554, 124.558