

657—37.16(124) Access to PMP information. All information contained in the PMP is confidential and shall only be accessed as provided in this rule. All requests for PMP information must comply with the format specified by the board for the particular type of request. Once information is accessed, further dissemination or use of that information is governed by applicable federal and state laws governing the person who accessed the information. The board may charge a fee to recover the actual costs associated with responding to any request by a person other than a practitioner or a practitioner's delegate. Any fees or costs assessed by the board shall be considered repayment receipts as defined in Iowa Code section 8.2.

37.16(1) Prescribers. A prescriber may access a patient's prescription history report; the prescriber's activity report; proactive alerts or system user notes, such as peer-to-peer communication; and NarxCare reports.

37.16(2) Pharmacists. A pharmacist may access a patient's prescription history report; proactive alerts or system user notes, such as peer-to-peer communication; and NarxCare reports.

37.16(3) Practitioner's delegates. A practitioner's delegate may access a patient's prescription history report; proactive alerts or system user notes, such as peer-to-peer communication; and NarxCare reports.

37.16(4) Licensing authority officials.

a. A licensing authority with jurisdiction over a practitioner may obtain the following information, if the request is accompanied by a subpoena compelling disclosure of such information for a specific investigation into the prescribing or dispensing practices of the licensee: prescription history reports; proactive alerts or system user notes, such as peer-to-peer communication; PMP access logs and login records; and NarxCare reports.

b. A licensing authority with jurisdiction over a health care professional may obtain the following information, if the request is accompanied by a subpoena compelling disclosure of such information for a specific investigation into the licensee's misuse of controlled substances: the licensee's prescription history report.

37.16(5) Law enforcement officials. A law enforcement official may obtain a patient's prescription history report and the prescribing or dispensing practices of a prescriber if the request is accompanied by a subpoena or other means of legal compulsion compelling disclosure of such information for use in a specific investigation.

37.16(6) Medical examiners and medical examiner investigators. A medical examiner or medical examiner investigator may obtain a decedent's prescription history report for use in a specific investigation.

37.16(7) Patients. A patient or the patient's agent may request the patient's own prescription history report by using the board's patient request form. The request can be personally delivered to the board office where the patient will be required to present current government-issued photo identification at the time of the delivery of the request. A patient who is unable to personally deliver the request to the board office may submit a notarized request, along with a certified copy of the patient's government-issued photo identification, via mail or commercial delivery service. The following agents may submit a request on behalf of a patient: an individual with a medical power of attorney for the patient, a patient's attorney, or an executor of the patient's estate. In addition to the patient's information, the patient's agent shall be identified by name, current address, and telephone number. In lieu of the patient's signature and identification, the patient's agent shall sign the request and the government-issued photo identification shall identify the patient's agent. The patient's agent shall include a copy of the legal document that establishes the agency relationship with the patient.

[ARC 4397C, IAB 4/10/19, effective 5/15/19]