

SENATE No. 2691

Senate, December 20, 2018 – Text of the further Senate amendment (Senator Lovely) to the House Bill relative to the prescription monitoring program (House, No. 4938).

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

1 Subsection (f) of section 24A of chapter 94C of the General Laws is hereby amended by
2 striking out clauses (6) and (7), inserted by section 44 of chapter 208 of the acts of 2018, and
3 inserting in place thereof the following 3 clauses:-

4 (6) personnel of: (A) the United States attorney or a federal agency; provided, however,
5 that the data request is made pursuant to clause (4) or federal law; (B) the office of the attorney
6 general provided, however, that the data request is in connection with a bona fide specific
7 controlled substance or additional drug related investigation and accompanied by a probable
8 cause warrant issued pursuant to chapter 276 or a civil investigative demand; or (C) a district
9 attorney’s office; provided, however, that the data request is in connection with a bona fide
10 specific controlled substance or additional drug related investigation and accompanied by a
11 probable cause warrant issued pursuant to chapter 276;

12 (7) personnel of the Medicaid fraud control unit within the office of the attorney general;
13 provided, however, that the data request is made in connection with a bona fide specific
14 controlled substance or additional drug related investigation of a practitioner, pharmacist,
15 pharmacy, person required to be a registered participant by this chapter or any other provider
16 subject to the jurisdiction of a Medicaid fraud control unit under federal law, including, but not

17 limited to, 42 U.S.C. 1396b, et. seq.; and provided further, that, notwithstanding clauses (4) and
18 (6), the department shall provide the data requested pursuant to this clause without a probable
19 cause warrant issued pursuant to chapter 276 or a civil investigative demand; or

20 (8) personnel within the office of a district attorney; provided, however, that the data
21 request is made in connection with a bona fide investigation into the cause and manner of death
22 of an individual suspected of a drug overdose; provided further, that data provided pursuant to
23 this clause is limited to the prescription information of the individual suspected of the drug
24 overdose; and provided further, that, notwithstanding clauses (4) and (6), the department shall
25 provide the data requested pursuant to this clause without a probable cause warrant issued
26 pursuant to chapter 276.