

## Oregon PDMP

### Patient Rights

#### *Privacy and confidentiality*

Information in the Prescription Drug Monitoring Program (PDMP) is protected by the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and other state laws [ORS 431.966(1-2)].

#### *Right to be informed of the PDMP*

Patients have the right to be informed about the program [OAR 410-121-4015]. For more information, questions or concerns go to the PDMP website [www.orpdmp.com](http://www.orpdmp.com) or contact the PDMP staff [see contact info below]. Patients are encouraged to talk with their health care providers regarding their prescription medications. NOTE: The PDMP collects information on Schedules II, III and IV controlled substances only [ORS 431.962(1)(a)]. For a list of these medications and more information, go to <http://www.deadiversion.usdoj.gov/schedules/>.

#### *Requesting a copy of a report*

Patients have the right to a free copy of their own PDMP record and have the right to know who has accessed their record [ORS 431.966(2)(c)]. To request a report the patient needs to mail to the Oregon Health Authority (OHA) the following documents:

1. A completed \*Patient Record Request Form; and
2. A copy of the patient's current valid U.S. driver's license or other valid government issued photo identification.
3. If sending the report to someone else, mail a completed \*Authorization for Use and Disclosure of Information form.

[\*Forms can be obtained from the PDMP website or by contacting PDMP staff.]

#### *Record correction requests*

A patient may request that the OHA correct any information about the patient that is considered incorrect [ORS 431.966(2)(d)(A)]. The request must be made in writing. The patient request must state what specific information in the report the patient considers incorrect. This would include the date the report was run, the date the prescription was written and filled, and any other information to positively identify the record in question [OAR 410-121-4020(21)].

#### *Responding to patient requests*

Program staff will respond to all patient requests listed above within 10 business days after receiving a request. All responses to patients will include information regarding patient rights applicable to the PDMP [OAR 410-121-4020(22)].

#### *Right to appeal*

If the OHA denies a request to correct information in a patient's record or fails to grant a patient's request within 10 business days after receipt of that request, the patient may appeal the denial or failure to grant the request. When the appeal is received, the OHA will conduct a

contested case hearing. The OHA has the burden of establishing that the information in the database is correct [ORS 431.966(2)(d)(B) and OAR 410-121-4020(23)].

## **Unauthorized Access /Improper Disclosure**

### *Access to patient information*

A patient's health care providers and pharmacists may request information from the PDMP system to evaluate the need for treatment or to provide treatment [ORS 431.966(2)(a)(A)]. Additionally, personal information in the database is destroyed after three years [ORS 431.966(4)], so health care providers can only see three years of your prescription history.

Law enforcement can only obtain a copy of a patient's PDMP record with a valid court order [ORS 431.966(2)(a)(C)]. Law enforcement does not have access to the data in the system.

The PDMP staff will conduct auditing activities to monitor for unusual and potentially unauthorized use of the system. When the Oregon Health Authority (OHA) learns of or suspects unauthorized access to the system or system data, the OHA will investigate [OAR 410-121-4020(3-5)].

### *Suspected unauthorized access*

A patient may send written notification to the OHA if he or she believes unauthorized access to his or her information has occurred. The notification shall include: the patient's name, who the patient suspects gained unauthorized access to the patient's information, what information is suspected to have been accessed by an unauthorized use, when the suspected unauthorized access occurred, and why the patient suspects the access was unauthorized. The OHA shall investigate each notification of suspected unauthorized access [OAR 410-121-4020(20)].

### *Improper Disclosure*

The department shall notify the Oregon Attorney General and each affected individual of an improper disclosure of information from the prescription monitoring program. In addition to any other penalty provided by law, the Attorney General may impose a civil penalty not to exceed \$10,000 for each violation of the PDMP statute. Each improper release of information from the prescription monitoring program is a separate violation [ORS 431.992].

### *Civil Action*

In the event of a violation of the PDMP statute, the individual injured may bring a civil action against the person or entity that made the violation and may recover damages in the amount of \$1,000 or actual damages, whichever is greater [ORS 431.966(6)(a-b)].

## **Program Contact Information**

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