

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 2.2-3705.5, 32.1-276.6, 54.1-2523, and 54.1-2525 of the Code of Virginia;*
 3 *to amend the Code of Virginia by adding in Chapter 7.2 of Title 32.1 a section numbered 32.1-276.12;*
 4 *and to repeal Chapter 19 of Title 32.1 of the Code of Virginia, consisting of a section numbered 32.1-372,*
 5 *relating to Health Coordination Network Program; patient data collection.*

6 [H 1019]

7 Approved

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That §§ 2.2-3705.5, 32.1-276.6, 54.1-2523, and 54.1-2525 of the Code of Virginia are amended and**
 10 **reenacted and that the Code of Virginia is amended by adding in Chapter 7.2 of Title 32.1 a section**
 11 **numbered 32.1-276.12 as follows:**

12 **§ 2.2-3705.5. Exclusions to application of chapter; health and social services records.**

13 The following information contained in a public record is excluded from the mandatory disclosure
 14 provisions of this chapter but may be disclosed by the custodian in his discretion, except where such
 15 disclosure is prohibited by law. Redaction of information excluded under this section from a public record
 16 shall be conducted in accordance with § 2.2-3704.01.

17 1. Health records, except that such records may be personally reviewed by the individual who is the
 18 subject of such records, as provided in subsection F of § 32.1-127.1:03.

19 Where the person who is the subject of health records is confined in a state or local correctional facility,
 20 the administrator or chief medical officer of such facility may assert such confined person's right of access to
 21 the health records if the administrator or chief medical officer has reasonable cause to believe that such
 22 confined person has an infectious disease or other medical condition from which other persons so confined
 23 need to be protected. Health records shall only be reviewed and shall not be copied by such administrator or
 24 chief medical officer. The information in the health records of a person so confined shall continue to be
 25 confidential and shall not be disclosed by the administrator or chief medical officer of the facility to any
 26 person except the subject or except as provided by law.

27 Where the person who is the subject of health records is under the age of 18, his right of access may be
 28 asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental
 29 rights have been terminated, a court of competent jurisdiction has restricted or denied such access, or a parent
 30 has been denied access to the health record in accordance with § 20-124.6. In instances where the person who
 31 is the subject thereof is an emancipated minor, a student in a public institution of higher education, or is a
 32 minor who has consented to his own treatment as authorized by § 16.1-338 or 54.1-2969, the right of access
 33 may be asserted by the subject person.

34 For the purposes of this chapter, statistical summaries of incidents and statistical data concerning abuse of
 35 individuals receiving services compiled by the Commissioner of Behavioral Health and Developmental
 36 Services shall be disclosed. No such summaries or data shall include any information that identifies specific
 37 individuals receiving services.

38 2. Applications for admission to examinations or for licensure and scoring records maintained by the
 39 Department of Health Professions or any board in that department on individual licensees or applicants;
 40 information required to be provided to the Department of Health Professions by certain licensees pursuant to
 41 § 54.1-2506.1; information held by the Health Practitioners' Monitoring Program Committee within the
 42 Department of Health Professions that identifies any practitioner who may be, or who is actually, impaired to
 43 the extent that disclosure is prohibited by § 54.1-2517; and information relating to the prescribing and
 44 dispensing of covered substances to recipients and any abstracts from such information that are in the
 45 possession of the Prescription Monitoring Program (Program) pursuant to Chapter 25.2 (§ 54.1-2519 et seq.)
 46 of Title 54.1 and any material relating to the operation or security of the Program.

47 3. Reports, documentary evidence, and other information as specified in §§ 51.5-122 and 51.5-184 and
 48 Chapter 1 (§ 63.2-100 et seq.) of Title 63.2 and information and statistical registries required to be kept
 49 confidential pursuant to Chapter 1 (§ 63.2-100 et seq.) of Title 63.2.

50 4. Investigative notes; proprietary information not published, copyrighted or patented; information
 51 obtained from employee personnel records; personally identifiable information regarding residents, clients or
 52 other recipients of services; other correspondence and information furnished in confidence to the Department
 53 of Education in connection with an active investigation of an applicant or licensee pursuant to Chapter 14.1
 54 (§ 22.1-289.02 et seq.) of Title 22.1; other correspondence and information furnished in confidence to the
 55 Department of Social Services in connection with an active investigation of an applicant or licensee pursuant
 56 to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and information furnished to

57 the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1
 58 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. However,
 59 nothing in this subdivision shall prevent the disclosure of information from the records of completed
 60 investigations in a form that does not reveal the identity of complainants, persons supplying information, or
 61 other individuals involved in the investigation.

62 5. Information collected for the designation and verification of trauma centers and other specialty care
 63 centers within the Statewide Emergency Medical Services System and Services pursuant to Article 2.1
 64 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.

65 6. Reports and court documents relating to involuntary admission required to be kept confidential
 66 pursuant to § 37.2-818.

67 7. Information acquired (i) during a review of any child death conducted by the State Child Fatality
 68 Review Team established pursuant to § 32.1-283.1 or by a local or regional child fatality review team to the
 69 extent that such information is made confidential by § 32.1-283.2; (ii) during a review of any death conducted
 70 by a family violence fatality review team to the extent that such information is made confidential by
 71 § 32.1-283.3; (iii) during a review of any adult death conducted by the Adult Fatality Review Team to the
 72 extent made confidential by § 32.1-283.5 or by a local or regional adult fatality review team to the extent that
 73 such information is made confidential by § 32.1-283.6; (iv) by a local or regional overdose fatality review
 74 team to the extent that such information is made confidential by § 32.1-283.7; (v) during a review of any
 75 death conducted by the Maternal Mortality Review Team to the extent that such information is made
 76 confidential by § 32.1-283.8; or (vi) during a review of any death conducted by the Developmental
 77 Disabilities Mortality Review Committee to the extent that such information is made confidential by
 78 § 37.2-314.1.

79 8. Patient level data collected by the Board of Health and not yet processed, verified, and released,
 80 pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of Health
 81 has contracted pursuant to § 32.1-276.4.

82 9. Information relating to a grant application, or accompanying a grant application, submitted to the
 83 Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter
 84 14 of Title 51.5 that would (i) reveal (a) medical or mental health records or other data identifying individual
 85 patients or (b) proprietary business or research-related information produced or collected by the applicant in
 86 the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, or scholarly
 87 issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be
 88 harmful to the competitive position of the applicant.

89 10. Any information copied, recorded, or received by the Commissioner of Health in the course of an
 90 examination, investigation, or review of a managed care health insurance plan licensee pursuant to
 91 §§ 32.1-137.4 and 32.1-137.5, including books, records, files, accounts, papers, documents, and any or all
 92 computer or other recordings.

93 11. Records of the Virginia Birth-Related Neurological Injury Compensation Program required to be kept
 94 confidential pursuant to § 38.2-5002.2.

95 12. Information held by the State Health Commissioner relating to the health of any person subject to an
 96 order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of
 97 Title 32.1. However, nothing in this subdivision shall be construed to prevent the disclosure of statistical
 98 summaries, abstracts, or other information in aggregate form.

99 13. The names and addresses or other contact information of persons receiving transportation services
 100 from a state or local public body or its designee under Title II of the Americans with Disabilities Act, (42
 101 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families (TANF) created under
 102 § 63.2-600.

103 14. Information held by certain health care committees and entities that may be withheld from discovery
 104 as privileged communications pursuant to § 8.01-581.17.

105 15. Data and information specified in § 37.2-308.01 relating to proceedings provided for in Article 16
 106 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 and Chapter 8 (§ 37.2-800 et seq.) of Title 37.2.

107 16. Records of and information held by the ~~Smartchart~~ *Smartchart Health Coordination Network Program* required to
 108 be kept confidential pursuant to ~~§ 32.1-372~~ *32.1-276.12*.

109 17. Information submitted to the acute psychiatric bed registry pursuant to § 37.2-308.1.

110 **§ 32.1-276.6. Patient level data system continued; reporting requirements.**

111 A. The Virginia Patient Level Data System is hereby continued, hereinafter referred to as the "System."
 112 Its purpose shall be to establish and administer an integrated system for collection and analysis of data which
 113 shall be used by consumers, employers, providers, and purchasers of health care and by state government to
 114 continuously assess and improve the quality, appropriateness, and accessibility of health care in the
 115 Commonwealth and to enhance their ability to make effective health care decisions.

116 B. Every inpatient hospital shall submit to the Board patient level data as set forth in this subsection.
 117 Every general hospital, ordinary hospital, outpatient surgical hospital or other facility licensed or certified
 118 pursuant to Article 1 (§ 32.1-123 et seq.) of Chapter 5 of this title and every physician and every oral and

119 maxillofacial surgeon certified to perform certain procedures pursuant to § 54.1-2709.1 performing surgical
 120 procedures in his office shall also submit to the board outpatient surgical data as set forth in this subsection.
 121 Every oral and maxillofacial surgeon certified to perform certain procedures pursuant to § 54.1-2709 shall
 122 submit to the Board outpatient surgical data as set forth in this subsection for only those procedures for which
 123 certification is required pursuant to § 54.1-2709.1.

124 Any such hospital, facility, physician or oral and maxillofacial surgeon, as defined in § 32.1-276.3, may
 125 report the required data directly to the nonprofit organization cited in § 32.1-276.4. Unless otherwise noted,
 126 patient level data elements for hospital inpatients and patients having outpatient surgery outpatients shall
 127 include, where applicable and included on standard claim forms:

- 128 1. Hospital identifier;
- 129 2. Attending physician identifier (~~inpatient only~~);
- 130 3. Operating physician or oral and maxillofacial surgeon identifier;
- 131 4. Payor identifier;
- 132 5. Employer identifier as required on standard claims forms;
- 133 6. Patient identifier (all submissions);
- 134 7. Patient sex, race (~~inpatient only~~), date of birth (~~including century indicator~~), street address, city or
 135 county, zip code, employment status code, status at discharge, and birth weight for infants (inpatient only);
- 136 8. Admission type, source (inpatient only), date and hour, and diagnosis;
- 137 9. Discharge date (inpatient only) and status;
- 138 10. Principal and secondary diagnoses;
- 139 11. External cause of injury;
- 140 12. Co-morbid conditions existing but not treated;
- 141 13. Procedures and procedure dates;
- 142 14. Revenue center codes, units, and charges as required on standard claims forms; and
- 143 15. Total charges.

144 C. State agencies providing coverage for outpatient services shall submit to the Board patient level data
 145 regarding paid outpatient claims. Information to be submitted shall be extracted from standard claims forms
 146 and, where available, shall include:

- 147 1. Provider identifier;
- 148 2. Patient identifier;
- 149 3. Physician or oral and maxillofacial surgeon identifier;
- 150 4. Dates of service and diagnostic, procedural, demographic, pharmaceutical, and financial information;
- 151 and
- 152 5. Other related information.

153 D. When a patient has experienced a nonfatal opioid overdose, the Board shall report admission, transfer,
 154 and discharge data elements submitted for such patient pursuant to § ~~32.1-372~~ 32.1-276.12 to the Department
 155 of Health Professions for use in the Prescription Monitoring Program established in § 54.1-2520. The
 156 Department of Health Professions shall consult with the Department as appropriate to ensure the successful
 157 transfer of admission, transfer, and discharge data elements for use in the Prescription Monitoring Program.
 158 The Department of Health Professions shall only provide such data to practitioners as provided in
 159 § 54.1-2522.1 and in accordance with the confidentiality requirements of this chapter and § 54.1-2523.

160 The Board shall promulgate regulations specifying the format for submission of such outpatient data.
 161 State agencies may submit this data directly to the nonprofit organization cited in § 32.1-276.4.

162 **§ 32.1-276.12. Health Coordination Network Program established; purpose.**

163 A. *The Health Coordination Network Program (the Program) is hereby created to provide a single,*
 164 *statewide technology solution that connects all health care providers, insurance carriers, other organizations*
 165 *with a client or patient relationship, and public health agencies in the Commonwealth to facilitate real-time*
 166 *communication and collaboration and improve the quality of care services.*

167 B. *The Commissioner shall ensure that the Program:*

- 168 1. *Receives real-time patient visit information from, and shares such information with, every hospital in*
 169 *the Commonwealth through integrations that enable receiving information from and delivering information*
 170 *into electronic health records systems utilized by such hospitals;*
- 171 2. *Requires that all participants in the Program share patient information and have fully executed health*
 172 *care data exchange contracts to ensure the secure and reliable exchange of patient information in*
 173 *compliance with the patient privacy and security requirements of applicable state and federal laws and*
 174 *regulations, including the Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.);*
- 175 3. *Enables health care providers, health care entities, and insurance carriers to access information*
 176 *necessary to evaluate and monitor the care and treatment of a patient in accordance with the patient privacy*
 177 *and security requirements of applicable state and federal laws and regulations, including the Health*
 178 *Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.);*
- 179 4. *Allows health care providers in the Commonwealth to receive real-time alerts triggered by analytics to*
 180 *identify patient-specific risks, to create and share care coordination plans and other care recommendations,*

181 *and to access other clinically beneficial information related to patients receiving health care services in the*
 182 *Commonwealth, including strategies and methods to continue to improve care coordination in hospital*
 183 *emergency departments and reduce the frequency of visits by high-volume emergency department utilizers;*

184 5. *Provides a patient's designated primary care physician and supporting clinical and care management*
 185 *personnel with treatment and care coordination information about a patient receiving health care services in*
 186 *the Commonwealth, including care plans, laboratory results, images, and hospital admissions, transfers, and*
 187 *discharges;*

188 6. *Provides a patient's designated managed care organization and supporting clinical and care*
 189 *management personnel with care coordination plans, laboratory results, images, and discharge and other*
 190 *treatment and care coordination information for a member receiving health care services in the*
 191 *Commonwealth; and*

192 7. *Is integrated with the Prescription Monitoring Program established pursuant to Chapter 25.2*
 193 *(§ 54.1-2519 et seq.) of Title 54.1 and the Advance Health Care Planning Registry established pursuant to*
 194 *Article 9 (§ 54.1-2994 et seq.) of Chapter 29 of Title 54.1 to enable automated query and automatic delivery*
 195 *of relevant information from such sources into the existing work flow of health care providers.*

196 C. *The Commissioner shall enter into a contract with a nonprofit organization authorized under*
 197 *§ 32.1-276.4 to create, operate, maintain, and administer the Program in accordance with this section, which*
 198 *shall include provisions for the protection of patient privacy and data security pursuant to state and federal*
 199 *law and regulations, including the Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et*
 200 *seq.). Such nonprofit shall continue and rename the Emergency Department Care Coordination Advisory*
 201 *Council established by Chapter 836 of the Acts of Assembly of 2017 as the Health Coordination Network*
 202 *Program Advisory Council (the Advisory Council), which shall consist of representatives of the Department,*
 203 *the Department of Medical Assistance Services, the Department of Health Professions, the Virginia Hospital*
 204 *and Healthcare Association, the Virginia Association of Health Plans, the Medical Society of Virginia, the*
 205 *Virginia College of Emergency Physicians, the Virginia Chapter of the American Academy of Pediatricians,*
 206 *and the Virginia Academy of Family Physicians, to advise the Commissioner and the third-party contractor*
 207 *regarding the establishment and operation of the Program, changes to the Program, and outcome measures*
 208 *for the Program.*

209 *The Advisory Council established pursuant to this subsection shall continue to ensure that information is*
 210 *shared among participants throughout the Commonwealth and all hospitals in the Commonwealth, all*
 211 *Medicaid managed care contracted health plans, the state employee health insurance plan, all Medicare*
 212 *plans operating in the Commonwealth, and all commercial plans operating in the Commonwealth, excluding*
 213 *ERISA plans, and shall participate in the Program to continue to improve care coordination and reduce the*
 214 *frequency of visits by high-volume emergency department utilizers.*

215 D. *Information submitted to the Program shall be confidential and shall be exempt from disclosure under*
 216 *the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).*

217 **§ 54.1-2523. Confidentiality of data; disclosure of information; discretionary authority of Director.**

218 A. *All data, records, and reports relating to the prescribing and dispensing of covered substances to*
 219 *recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription*
 220 *Monitoring Program pursuant to this chapter and any material relating to the operation or security of the*
 221 *program shall be confidential and shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700*
 222 *et seq.) pursuant to subdivision 2 of § 2.2-3705.5. Records in possession of the Prescription Monitoring*
 223 *Program shall not be available for civil subpoena, nor shall such records be disclosed, discoverable, or*
 224 *compelled to be produced in any civil proceeding, nor shall such records be deemed admissible as evidence*
 225 *in any civil proceeding for any reason. Further, the Director shall only have discretion to disclose any such*
 226 *information as provided in subsections B and C.*

227 B. *Upon receiving a request for information in accordance with the Department's regulations and in*
 228 *compliance with applicable federal law and regulations, the Director shall disclose the following:*

229 1. *Information relevant to a specific investigation of a specific recipient or of a specific dispenser or*
 230 *prescriber to an agent who has completed the Virginia State Police Drug Diversion School designated by the*
 231 *superintendent of the Department of State Police or designated by the chief law-enforcement officer of any*
 232 *county, city, or town or campus police department to conduct drug diversion investigations pursuant to*
 233 *§ 54.1-3405.*

234 2. *Information relevant to an investigation or inspection of or allegation of misconduct by a specific*
 235 *person licensed, certified, or registered by or an applicant for licensure, certification, or registration by a*
 236 *health regulatory board; information relevant to a disciplinary proceeding before a health regulatory board or*
 237 *in any subsequent trial or appeal of an action or board order to designated employees of the Department of*
 238 *Health Professions; or to designated persons operating the Health Practitioners' Monitoring Program pursuant*
 239 *to Chapter 25.1 (§ 54.1-2515 et seq.).*

240 3. *Information relevant to the proceedings of any investigatory grand jury or special grand jury that has*
 241 *been properly impaneled in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title 19.2.*

242 4. *Information relevant to a specific investigation of a specific recipient, dispenser, or prescriber to an*

243 agent of a federal law-enforcement agency with authority to conduct drug diversion investigations.

244 5. Information relevant to a specific investigation, supervision, or monitoring of a specific recipient for
 245 purposes of the administration of criminal justice pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 to a
 246 probation or parole officer as described in Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1, a local
 247 community-based probation officer as described in § 9.1-176.1, a drug court administrator as described in
 248 § 18.2-254.1, or a behavioral health docket administrator as described in § 18.2-254.3 who has completed the
 249 Virginia State Police Drug Diversion School designated by the Director of the Department of Corrections or
 250 his designee.

251 6. Information relevant to a specific investigation of a specific individual into a possible delivery of a
 252 controlled substance in violation of § 18.2-474.1 to an investigator for the Department of Corrections who
 253 has completed the Virginia State Police Drug Diversion School and who has been designated by the Director
 254 of the Department of Corrections or his designee.

255 7. Information about a specific recipient to the ~~SmartStart~~ *SmartStart Health Coordination Network Program* in
 256 accordance with subdivision B 7 of § ~~32.1-372~~ 32.1-276.12.

257 C. In accordance with the Department's regulations and applicable federal law and regulations, the
 258 Director may, in his discretion, disclose:

259 1. Information in the possession of the Prescription Monitoring Program concerning a recipient who is
 260 over the age of 18 to that recipient. The information shall be mailed to the street or mailing address indicated
 261 on the recipient request form.

262 2. Information on a specific recipient to a prescriber, as defined in this chapter, for the purpose of
 263 establishing the treatment history of the specific recipient when such recipient is either under care and
 264 treatment by the prescriber or the prescriber is consulting on or initiating treatment of such recipient. In a
 265 manner specified by the Director in regulation, notice shall be given to patients that information may be
 266 requested by the prescriber from the Prescription Monitoring Program.

267 3. Information on a specific recipient to a dispenser for the purpose of establishing a prescription history
 268 to assist the dispenser in (i) determining the validity of a prescription in accordance with § 54.1-3303 or (ii)
 269 providing clinical consultation on the care and treatment of the recipient. In a manner specified by the
 270 Director in regulation, notice shall be given to patients that information may be requested by the dispenser
 271 from the Prescription Monitoring Program.

272 4. Information relevant to an investigation or regulatory proceeding of a specific dispenser or prescriber to
 273 other regulatory authorities concerned with granting, limiting or denying licenses, certificates or registrations
 274 to practice a health profession when such regulatory authority licenses such dispenser or prescriber or such
 275 dispenser or prescriber is seeking licensure by such other regulatory authority.

276 5. Information relevant to an investigation relating to a specific dispenser or prescriber who is a
 277 participating provider in the Virginia Medicaid program or information relevant to an investigation relating to
 278 a specific recipient who is currently eligible for and receiving or who has been eligible for and has received
 279 medical assistance services to the Medicaid Fraud Control Unit of the Office of the Attorney General or to
 280 designated employees of the Department of Medical Assistance Services, as appropriate.

281 6. Information relevant to determination of the cause of death of a specific recipient to the designated
 282 employees of the Office of the Chief Medical Examiner.

283 7. Information for the purpose of bona fide research or education to qualified personnel; however, data
 284 elements that would reasonably identify a specific recipient, prescriber, or dispenser shall be deleted or
 285 redacted from such information prior to disclosure. Further, release of the information shall only be made
 286 pursuant to a written agreement between such qualified personnel and the Director in order to ensure
 287 compliance with this subdivision.

288 8. Information relating to prescriptions for covered substances issued by a specific prescriber, which have
 289 been dispensed and reported to the Prescription Monitoring Program, to that prescriber.

290 9. Information about a specific recipient who is a member of a Virginia Medicaid managed care program
 291 to a physician or pharmacist licensed in the Commonwealth and employed by the Virginia Medicaid managed
 292 care program or to his clinical designee who holds a multistate licensure privilege to practice nursing or a
 293 license issued by a health regulatory board within the Department of Health Professions and is employed by
 294 the Virginia Medicaid managed care program. Such information shall only be used to determine eligibility for
 295 and to manage the care of the specific recipient in a Patient Utilization Management Safety or similar
 296 program. Notice shall be given to recipients that information may be requested by a licensed physician or
 297 pharmacist employed by the Virginia Medicaid managed care program from the Prescription Monitoring
 298 Program.

299 10. [Expired.]

300 11. Information about a specific recipient who is currently eligible for and receiving medical assistance
 301 from the Department of Medical Assistance Services to a physician or pharmacist licensed in the
 302 Commonwealth or to his clinical designee who holds a multistate licensure privilege to practice nursing or a
 303 license issued by a health regulatory board within the Department of Health Professions and is employed by
 304 the Department of Medical Assistance Services.

305 Such information shall be used only to determine eligibility for and to manage the care of the specific
306 recipient in a Patient Utilization Management Safety or similar program. Notice shall be given to recipients
307 that information may be requested by a licensed physician or pharmacist employed by the Department of
308 Medical Assistance Services from the Prescription Monitoring Program.

309 D. The Director may enter into agreements for mutual exchange of information among prescription
310 monitoring programs in other jurisdictions, which shall only use the information for purposes allowed by this
311 chapter.

312 E. This section shall not be construed to supersede the provisions of § 54.1-3406 concerning the divulging
313 of confidential records relating to investigative information.

314 F. Confidential information that has been received, maintained or developed by any board or disclosed by
315 the board pursuant to subsection A shall not, under any circumstances, be available for discovery or court
316 subpoena or introduced into evidence in any medical malpractice suit or other action for damages arising out
317 of the provision of or failure to provide services. However, this subsection shall not be construed to inhibit
318 any investigation or prosecution conducted pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title
319 18.2.

320 **§ 54.1-2525. Unlawful disclosure of information; disciplinary action authorized; penalties.**

321 A. It shall be unlawful for any person having access to the confidential information in the possession of
322 the program or any data or reports produced by the program to disclose such confidential information except
323 as provided in this chapter. Any person having access to the confidential information in the possession of the
324 program or any data or reports produced by the program who discloses such confidential information in
325 violation of this chapter shall be guilty of a Class 1 misdemeanor upon conviction.

326 B. It shall be unlawful for any person who lawfully receives confidential information from the
327 Prescription Monitoring Program to redisclose or use such confidential information in any way other than the
328 authorized purpose for which the request was made. Any person who lawfully receives information from the
329 Prescription Monitoring Program and discloses such confidential information in violation of this chapter shall
330 be guilty of a Class 1 misdemeanor upon conviction.

331 C. Nothing in this section shall prohibit (i) a person who prescribes or dispenses a covered substance to a
332 recipient required to be reported to the program from redisclosing information obtained from the Prescription
333 Monitoring Program to another prescriber or dispenser who has responsibility for treating the recipient or (ii)
334 a person who prescribes a covered substance from placing information obtained from the Prescription
335 Monitoring Program in the recipient's medical record.

336 D. Information obtained from the Prescription Monitoring Program pursuant to subdivision B 7 of §
337 ~~32.1-372~~ 32.1-276.12 shall become part of the patient's medical record.

338 E. Unauthorized use or disclosure of confidential information received from the Prescription Monitoring
339 Program shall also be grounds for disciplinary action by the relevant health regulatory board.

340 **2. That Chapter 19 (§ 32.1-372) of Title 32.1 of the Code of Virginia is repealed.**