

Kansas Administrative Regulations

State Board of Pharmacy

Article 21.—Prescription Monitoring Program

68-21-5. Access to program information.

(a) Any patient or patient's designee may obtain a report listing all program information that pertains to the patient by submitting a written request to the board on a form provided by the board, which shall include the following:

- (1) The patient's name and, if applicable, the name of the patient's designee;
- (2) the patient's residential address and, if applicable, the residential address of the patient's designee;
- (3) the patient's telephone number and, if applicable, the telephone number of the patient's designee;
- (4) the time period for which information is being requested;
- (5) a copy of a valid photographic identification of the patient or the patient's designee; and
- (6) if the requester is not the patient, a copy of official documents establishing either legal guardianship or power of attorney.

(b)(1) Any practitioner, dispenser, or delegate may obtain program information relating to a patient in accordance with K.S.A. 65-1685, and amendments thereto, by submitting an electronic request to the board in a manner established by the board, using authentication. Information regarding more than one patient may be submitted in a single request.

Each request shall be submitted in a format established by the board and shall include the following elements for each patient:

- (A) The patient's first name and last name;
 - (B) the patient's date of birth; and
 - (C) the time period for which information is being requested.
- (2) The authentication and identity of the practitioner, dispenser, or delegate shall be verified by the board before allowing access to any program information. If the

authentication is lost or missing or if the security of the authentication is compromised, the practitioner, dispenser, or delegate shall notify the board in writing as soon as possible.

(c) In conjunction with an active investigation, any designated representative of a professional licensing, certification, or regulatory agency charged with administrative oversight of practitioners or dispensers may obtain program information for a practitioner licensed or regulated by the agency or for a patient by submitting a written request to the board on a form provided by the board.

(1) If the request is for program information related to a practitioner, the request shall include the following:

- (A) The requestor's name and agency;
- (B) the practitioner's name;
- (C) the practitioner's DEA number, if issued to the practitioner;
- (D) the practitioner's NPI number, if issued to the practitioner; and
- (E) the time period for which information is being requested.

(2) If the request is for program information related to a patient, the request shall include the following:

- (A) The requestor's name and agency;
- (B) the patient's first name and last name;
- (C) the patient's date of birth; and
- (D) the time period for which information is being requested.

(d) Any designated representative from the department of health and environment, an overdose fatality review board established by the state, or an impaired provider program for practitioners may obtain program information related to a patient in accordance with K.S.A. 65-1685, and amendments thereto, by submitting an electronic written request to the board in a manner established by the board, using authentication. The request shall include the following:

- (1) The patient's first name and last name;
- (2) the patient's date of birth; and
- (3) the time period for which information is being requested.

(Authorized by K.S.A. 65-1692; implementing K.S.A. 65-1685, as amended by L. 2022, ch. 74, sec. 5; effective Oct. 15, 2010; amended June 2, 2023.)

***** Authenticated Kansas Administrative Regulation *****