

59 Department of Health, whom the director of the Department of Health assigns to conduct
 60 scientific studies regarding the use or abuse of controlled substances pursuant to an application
 61 process established in rule by the Department of Health, if:

62 (i) the designee provides explicit information to the Department of Health regarding
 63 the purpose of the scientific studies;

64 (ii) the scientific studies to be conducted by the designee:

65 (A) fit within the responsibilities of the Department of Health for health and welfare;

66 (B) are reviewed and approved by an Institutional Review Board that is approved for
 67 human subject research by the United States Department of Health and Human Services; and

68 (C) are not conducted for profit or commercial gain; and

69 (D) are conducted in a research facility, as defined by division rule, that is associated
 70 with a university or college in the state accredited by the Northwest Commission on Colleges
 71 and Universities;

72 (iii) the designee protects the information as a business associate of the Department of
 73 Health; and

74 (iv) the identity of the prescribers, patients, and pharmacies in the database are
 75 de-identified, confidential, not disclosed in any manner to the designee or to any individual
 76 who is not directly involved in the scientific studies;

77 (e) in accordance with the written agreement entered into with the department and the
 78 Department of Health, authorized employees of a managed care organization, as defined in 42
 79 C.F.R. Sec. 438, if:

80 (i) the managed care organization contracts with the Department of Health under the
 81 provisions of Section 26-18-405 ~~§~~ and the contract includes provisions that:

81a (A) require a managed care organization employee who will have access to information
 81b from the database to submit to a criminal background check; and

81c (B) limit the authorized employee of the managed care organization to requesting either
 81d the division or the Department of Health to conduct a search of the database regarding a
 81e specific Medicaid enrollee and to report the results of the search to the authorized
 81f employee ~~§~~ ; and

82 (ii) the information is requested by an authorized employee of the managed care
 83 organization in relation to a person who is enrolled in the Medicaid program with the managed
 84 care organization, and the managed care organization suspects the person may be improperly
 85 obtaining or providing a controlled substance;

86 [~~(e)~~] (f) a licensed practitioner having authority to prescribe controlled substances, to
 87 the extent the information:

88 (i) (A) relates specifically to a current or prospective patient of the practitioner; and

89 (B) is provided to or sought by the practitioner for the purpose of: