



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

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January 10, 2022

Via Electronic Mail

Shawn Musgrave
MuckRock News

119161-15647553@requests.muckrock.com

Re: Public Records Request BHPL 2021.603
SPR21-3209

Dear Mr. Musgrave:

This letter is in regard to the above referenced public records request received by the Department of Public Health (DPH), Bureau of Health Professions Licensure (BHPL) on September 13, 2021, assigned tracking number BHPL-2021-603 and your appeal of that request made to the Supervisor of Records (SOR) on December 9, 2021, assigned tracking number SPR21-3209. You made the following request to DPH:

All prescription and dispensation data submitted to the Prescription Monitoring Program (PMP) for Vimpat (lacosamide), a Schedule V drug.

On September 27, 2021, DPH responded stating that the records you had requested are exempt from disclosure as public records pursuant to G.L. c. 4, § 7, Cl. 26(a). Exemption (a) applies to records which are exempt from disclosure by statute. The Prescription Monitoring Program (PMP) data is exempt from public records requests under statute M.G.L. 94C §24A(d), which states that “[p]rescription information submitted to the department under this section shall be confidential and exempt from disclosure under the [Public Records Law].” On December 9, 2021 you filed an appeal. On December 23, 2021, the SOR requested DPH to provide a subsequent response.

Even in aggregate form, the data you seek is exempt under public records law. The PMP statute, M.G.L. 94C §24A(d), explicitly exempts “[p]rescription information submitted to the department” from the public records law. Exemption (a) of the public records law applies to records which are exempt from disclosure by statute, including PMP data.

DPH now considers this PRR closed. If you wish to challenge this response, and your request was received in writing, you may appeal to the Supervisor of Records following the procedure set forth in

950 CMR 32.08, a copy of which is attached. Pursuant to G.L. c. 66, § 10A, you may also seek judicial review by commencing a civil action in Suffolk Superior Court.

Please contact me with any questions. In any communication regarding this request, please reference the assigned tracking number BHPL-2021-603, SPR 21.3209.

Sincerely,

Helen Rush-Lloyd

Helen Rush-Lloyd
Records Access Officer

cc: Rebecca Murray, Supervisor of Records
Ann Scales, Director of Media Relations