

HOPE Act and Access to Pharmacy Records

In 2018, the General Assembly passed, and the Governor signed into law, the Heroin and Opioid Prevention and Enforcement Act – also known as the HOPE Act. Among other things, the HOPE Act allows a “certified diversion investigator” to obtain certain prescription records directly from a pharmacy. This FAQ explains those provisions, which became effective on July 1, 2019.

Q: What is a “certified diversion investigator”?

A: A certified diversion investigator is an officer who has undergone special training and certification by the North Carolina Sheriffs’ Education and Training Standards Commission or the North Carolina Criminal Justice Education and Training Standards Commission. A certified diversion investigator will carry a credential that includes a certification number, expiration date, and law enforcement agency affiliation.

Q: What is a certified diversion investigator allowed to request from a pharmacy, and how does a certified diversion investigator make the request?

A: The HOPE Act allows a certified diversion investigator to request and receive copies of prescriptions and records related to prescription in connection with an active investigation related to the enforcement of laws governing licit or illicit drugs.

The certified diversion investigator will provide the pharmacist and pharmacy a written or electronic request containing the following information:

- The certified diversion investigator’s name and certification number.
- The name of the certified diversion investigator’s law enforcement agency.
- The case number associated with the request.
- A description of the nature and purpose of the request.
- The first name, last name, and date of birth of each individual whose prescription and records related to the prescription the investigator seeks.

A pharmacy shall provide copies of requested prescriptions and records related to the prescriptions as soon as practicable and no later than two business days after receipt the request from the certified diversion investigator.

A pharmacy or pharmacist that provides copies of prescriptions and records related to prescriptions to a certified diversion investigator in good faith is immune from any liability for doing so. Board staff encourages any pharmacy that receives a records request from a certified diversion investigator to keep a copy in its files.