

## **Section 10: CONFIDENTIALITY**

- 10.1 Patient applications:** Applications and supporting information received by the Department in accordance with these rules, including information regarding registered caregivers and health care professionals are confidential.
- 10.2 Caregiver applications:** Applications and supporting information received by the Department in accordance with these rules are confidential.
- 10.3 Health Care Professionals:** All information received by the Department in accordance with these rules are confidential, including identifying information pertaining to a health care professional.
- 10.4 Appeals:** All records relating to an appeal are confidential.
- 10.5 Dispensaries applications and other information:** Applications, supporting information and other information regarding a registered dispensary are confidential. Applications, supporting information, and other information regarding dispensary applicants are confidential. Information that is contained within a registered dispensary that identifies a registered patient, the registered patient's health care professional and/or the registered patient's caregiver is also confidential. Information pertaining to a registered dispensary and cardholders of a registered dispensary is confidential and shall only be released in accordance with Section 10.6. Nothing contained in these rules shall prevent a registered dispensary from providing information pertaining to a registered dispensary or cardholders to the VMR.
- 10.6 Department records:** Records maintained and information received by the Department are confidential and may not be disclosed except:
- 10.6.1** To Department employees who are responsible for carrying out these rules;
  - 10.6.2** Pursuant to a court order;
  - 10.6.3** With the written permission of the applicant, cardholder, health care professional, or registered dispensary to disclose their respective record;
  - 10.6.4** For prosecution for false swearing under 13 V.S.A. § 2904 and in response to person-specific or property-specific inquiry by a law enforcement officer or agency made in the course of a bona fide investigation or prosecution. The records of all persons registered under these rules shall be maintained in a secure database accessible by authorized Department employees only. The Department shall maintain a separate secure electronic database accessible to law enforcement personnel 24 hours a day that uses a unique identifier system to allow law enforcement to verify a person or entity is a cardholder or registered dispensary. The VMR shall periodically audit access to the secure electronic database for compliance;
  - 10.6.5** To a registered patient's treating or consulting health care professional and to a registered patient's caregiver for the purpose of carrying out these rules.
- 10.7 Not prohibited:** The Department may disclose data for statistical or research purposes in such a manner that individuals cannot be identified.