

1 HB102
2 203640-4
3 By Representative Weaver
4 RFD: Boards, Agencies and Commissions
5 First Read: 04-FEB-20

SYNOPSIS: Under existing law, the Department of Public Health maintains a controlled substances prescription database program. The law specifies who may access the database, including health care practitioners with privileges to prescribe controlled substances and the Board of Medical Examiners to monitor prescriptions of controlled substances prescribed by physicians.

This bill would authorize the Alabama Board of Nursing to access the controlled substances database for inquiries related to investigations or disciplinary activities concerning nurses who are authorized to prescribe controlled substances and nurses who are prescribed controlled substances.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED

1 AN ACT

2
3 Relating to the controlled substances database; to
4 amend Section 20-2-214, Code of Alabama 1975, to authorize the
5 Alabama Board of Nursing to access the controlled substances
6 database for inquiries related to investigations or
7 disciplinary actions concerning nurses who prescribe
8 controlled substances or who are prescribed controlled
9 substances; and to make nonsubstantive, technical revisions to
10 update the existing code language to current style.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 20-2-214, Code of Alabama 1975,
13 is amended to read as follows:

14 "§20-2-214.

15 "(a) The following ~~persons~~ individuals or entities
16 shall be permitted access to the information in the controlled
17 substances database, subject to the limitations indicated
18 below:

19 "(1) Authorized representatives of the certifying
20 boards; provided, however, that access shall be limited to
21 information concerning the licensees of the certifying board,
22 however, authorized representatives from the Board of Medical
23 Examiners may access the database to inquire about certified
24 registered nurse practitioners (CRNPs), or certified nurse
25 midwives (CNMs) that hold a Qualified Alabama Controlled
26 Substances Registration Certificate (QACSC).

1 "(2) A licensed practitioner approved by the
2 department who has authority to prescribe, dispense, or
3 administer controlled substances. The licensed practitioner's
4 access shall be limited to information concerning himself or
5 herself, registrants who possess a Qualified Alabama
6 Controlled Substances Registration Certificate over whom the
7 practitioner exercises physician supervision or with whom they
8 have a joint practice agreement, a certified registered nurse
9 practitioner and a certified nurse midwife with a Qualified
10 Alabama Controlled Substances Registration Certificate over
11 whom the practitioner exercises professional oversight and
12 direction pursuant to an approved collaborative practice
13 agreement, a current patient of the practitioner, and
14 individuals seeking treatment from the practitioner.
15 Practitioners shall have no requirement or obligation under
16 this article to access or check the information in the
17 controlled substances database prior to prescribing,
18 dispensing, or administering medications or as part of their
19 professional practice. However, the applicable licensing
20 boards, ~~in their discretion,~~ may impose such a requirement or
21 obligation by ~~regulations~~ rule.

22 "(3) ~~A~~ Up to two employees designated by a licensed
23 physician approved by the department who has authority to
24 prescribe, dispense, or administer controlled substances, ~~may~~
25 ~~designate up to two employees~~ who may access the database on
26 the physician's behalf.

1 "(4) A licensed certified registered nurse
2 practitioner or a licensed certified nurse midwife approved by
3 the department who is authorized to prescribe, administer, or
4 dispense pursuant to a Qualified Alabama Controlled Substances
5 Registration Certificate; provided, however, that access shall
6 be limited to information concerning a current or prospective
7 patient of the certified registered nurse practitioner or
8 certified nurse midwife.

9 "(5) A licensed assistant to physician approved by
10 the department who is authorized to prescribe, administer, or
11 dispense pursuant to a Qualified Alabama Controlled Substances
12 Registration Certificate; provided, however, that access
13 shall be limited to information concerning a current patient
14 of the assistant to the physician or an individual seeking
15 treatment from the assistant to physician.

16 "(6) A licensed pharmacist approved by the
17 department; provided, however, that access is limited to
18 information related to the patient or prescribing practitioner
19 designated on a controlled substance prescription that a
20 pharmacist has been asked to fill. Pharmacists shall have no
21 requirement or obligation to access or check the information
22 in the controlled substances database prior to dispensing or
23 administering medications or as part of their professional
24 practices.

25 "(7) State and local law enforcement authorities as
26 authorized under Section 20-2-91, and federal law enforcement
27 authorities authorized to access prescription information upon

1 application to the department accompanied by a declaration
2 that probable cause exists for the use of the requested
3 information.

4 "(8) Employees of the department and consultants
5 engaged by the department to operate the controlled substances
6 database; provided, however, that access shall be limited to
7 operating and administering the database, conducting
8 departmental research when approved by the Information Release
9 Review Committee, and implementing a research request
10 authorized under subsection (b).

11 "(9) The prescription drug monitoring program of any
12 of the other states or territories of the United States, if
13 recognized by the Alliance for Prescription Drug Monitoring
14 Programs under procedures developed, certified, or approved by
15 the United States Department of Justice or the Integrated
16 Justice Information Systems Institute or successor entity
17 subject to or consistent with limitations for access
18 prescribed by this chapter for the Alabama Prescription Drug
19 Monitoring Program.

20 "(10) Authorized representatives of the Alabama
21 Medicaid Agency; provided, however, that access shall be
22 limited to inquiries concerning possible misuse or abuse of
23 controlled substances by Medicaid recipients.

24 "(11) Authorized representatives of the Alabama
25 Board of Nursing; provided, however, that access shall be
26 limited to inquiries related to investigations or disciplinary
27 activities concerning licensees of the Alabama Board of

1 Nursing, including prescribing or dispensing information
2 concerning licensees and prescriptions written for or
3 dispensed to licensees of the Alabama Board of Nursing.

4 "(b) Subject to the approval of the Information
5 Release Review Committee, the department may release or
6 publish de-identified aggregate statewide and regional
7 information for statistical, research, or educational
8 purposes.

9 "(1) Prior to being released or published, all
10 information that identifies, or could reasonably be used to
11 identify, a patient, a prescriber, a dispenser, or any other
12 person who is the subject of the information, shall be
13 removed, and at a minimum, such de-identification of the
14 information shall comply with 45 C.F.R. §164.514(b)(2), as
15 amended.

16 "(2) Release of information shall be made pursuant
17 to a written data use agreement between the requesting
18 individual or entity and the department."

19 Section 2. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.