

1 HB232
2 214882-3
3 By Representatives Bedsole, Reynolds, Ellis, Mooney and Moore
4 (P)
5 RFD: State Government
6 First Read: 02-FEB-22

SYNOPSIS: Under existing law, medical examiners and coroners determine the cause of death and with other forensic scientists and investigators, determine the manner of death.

This bill would permit medical examiners, coroners, and deputy coroners to access the controlled substance database to investigate the cause and manner of a death.

A BILL
TO BE ENTITLED
AN ACT

Relating to the controlled substance database; to amend Section 20-2-214, Code of Alabama 1975, as last amended by Act 2021-383 of the 2021 Regular Session, to authorize medical examiners, coroners, and deputy coroners to access the controlled substance database in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 20-2-214, Code of Alabama 1975,
2 as last amended by Act 2021-383 of the 2021 Regular Session,
3 is amended to read as follows:

4 "§20-2-214.

5 "(a) The following individuals or entities shall be
6 permitted access to the information in the controlled
7 substances database, subject to the limitations indicated
8 below:

9 "(1) Authorized representatives of the certifying
10 boards; provided, however, that access shall be limited to
11 information concerning the licensees of the certifying board,
12 however, authorized representatives from the Board of Medical
13 Examiners may access the database to inquire about certified
14 registered nurse practitioners (CRNPs), or certified nurse
15 midwives (CNMs) that hold a Qualified Alabama Controlled
16 Substances Registration Certificate (QACSC).

17 "(2) A licensed practitioner approved by the
18 department who has authority to prescribe, dispense, or
19 administer controlled substances. The licensed practitioner's
20 access shall be limited to information concerning himself or
21 herself, registrants who possess a Qualified Alabama
22 Controlled Substances Registration Certificate over whom the
23 practitioner exercises physician supervision or with whom they
24 have a joint practice agreement, a certified registered nurse
25 practitioner and a certified nurse midwife with a Qualified
26 Alabama Controlled Substances Registration Certificate over
27 whom the practitioner exercises professional oversight and

1 direction pursuant to an approved collaborative practice
2 agreement, a current patient of the practitioner, and
3 individuals seeking treatment from the practitioner.
4 Practitioners shall have no requirement or obligation under
5 this article to access or check the information in the
6 controlled substances database prior to prescribing,
7 dispensing, or administering medications or as part of their
8 professional practice. However, the applicable licensing
9 boards may impose such a requirement or obligation by rule.

10 "(3) Up to two employees designated by a licensed
11 physician approved by the department who has authority to
12 prescribe, dispense, or administer controlled substances, who
13 may access the database on the physician's behalf.

14 "(4) A licensed certified registered nurse
15 practitioner or a licensed certified nurse midwife approved by
16 the department who is authorized to prescribe, administer, or
17 dispense pursuant to a Qualified Alabama Controlled Substances
18 Registration Certificate; provided, however, that access shall
19 be limited to information concerning a current or prospective
20 patient of the certified registered nurse practitioner or
21 certified nurse midwife.

22 "(5) A licensed assistant to physician approved by
23 the department who is authorized to prescribe, administer, or
24 dispense pursuant to a Qualified Alabama Controlled Substances
25 Registration Certificate; provided, however, that access shall
26 be limited to information concerning a current patient of the

1 assistant to the physician or an individual seeking treatment
2 from the assistant to physician.

3 "(6) A coroner, deputy coroner, or a licensed
4 medical examiner or the examiner's designee who is employed by
5 the Alabama Department of Forensic Sciences; provided,
6 however, that access shall be limited to information
7 concerning an investigation of the cause and manner of death
8 of an individual.

9 "~~(6)~~ (7) A licensed pharmacist approved by the
10 department; provided, however, that access is limited to
11 information related to the patient or prescribing practitioner
12 designated on a controlled substance prescription that a
13 pharmacist has been asked to fill. Pharmacists shall have no
14 requirement or obligation to access or check the information
15 in the controlled substances database prior to dispensing or
16 administering medications or as part of their professional
17 practices.

18 "~~(7)~~ (8) State and local law enforcement authorities
19 as authorized under Section 20-2-91, and federal law
20 enforcement authorities authorized to access prescription
21 information upon application to the department accompanied by
22 a declaration that probable cause exists for the use of the
23 requested information.

24 "~~(8)~~ (9) Employees of the department and consultants
25 engaged by the department to operate the controlled substances
26 database; provided, however, that access shall be limited to
27 operating and administering the database, conducting

1 departmental research when approved by the Information Release
2 Review Committee, and implementing a research request
3 authorized under subsection (b).

4 "~~(9)~~ (10) The prescription drug monitoring program of
5 any of the other states or territories of the United States,
6 if recognized by the Alliance for Prescription Drug Monitoring
7 Programs under procedures developed, certified, or approved by
8 the United States Department of Justice or the Integrated
9 Justice Information Systems Institute or successor entity
10 subject to or consistent with limitations for access
11 prescribed by this chapter for the Alabama Prescription Drug
12 Monitoring Program.

13 "~~(10)~~ (11) Authorized representatives of the Alabama
14 Medicaid Agency; provided, however, that access shall be
15 limited to inquiries concerning possible misuse or abuse of
16 controlled substances by Medicaid recipients.

17 "~~(11)~~ (12) Upon good cause shown to the State Health
18 Officer or his or her designee, authorized representatives of
19 the Board of Nursing may receive information concerning
20 licensees of the Board of Nursing; provided, however, that
21 requests shall be limited to information concerning a licensee
22 of the Board of Nursing who is the subject of an investigation
23 or disciplinary activity. Any certifying board, state, or
24 federal law enforcement agency, or other individual or entity
25 authorized to access the information from the controlled
26 substances database pursuant to this article may share
27 information from the controlled substances database with the

1 Board of Nursing, provided that the information concerns a
2 licensee of the Board of Nursing who is the subject of an
3 investigation or disciplinary activity.

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.