

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

ENGROSSED

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:

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

"§20-2-214.

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

"(1) Authorized representatives of the certifying boards; provided, however, that access shall be limited to information concerning the licensees of the certifying board, however, authorized representatives from the Board of Medical Examiners may access the database to inquire about certified registered nurse practitioners (CRNPs), or certified nurse

1 midwives (CNMs) that hold a Qualified Alabama Controlled
2 Substances Registration Certificate (QACSC).

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

23 "(3) Up to two employees designated by a licensed
24 physician approved by the department who has authority to
25 prescribe, dispense, or administer controlled substances, who
26 may access the database on 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 shall
13 be limited to information concerning a current patient of the
14 assistant to the physician or an individual seeking treatment
15 from the assistant to physician.

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

22 No coroner or deputy coroner shall be granted access
23 to information pursuant to this subdivision unless he or she
24 has received and completed training provided by the Alabama
25 Department of Public Health and successfully passed a minimum
26 standards exam administered by the Alabama Department of
27 Public Health.

1 "~~(6)~~ (7) A licensed pharmacist approved by the
2 department; provided, however, that access is limited to
3 information related to the patient or prescribing practitioner
4 designated on a controlled substance prescription that a
5 pharmacist has been asked to fill. Pharmacists shall have no
6 requirement or obligation to access or check the information
7 in the controlled substances database prior to dispensing or
8 administering medications or as part of their professional
9 practices.

10 "~~(7)~~ (8) State and local law enforcement authorities
11 as authorized under Section 20-2-91, and federal law
12 enforcement authorities authorized to access prescription
13 information upon application to the department accompanied by
14 a declaration that probable cause exists for the use of the
15 requested information.

16 "~~(8)~~ (9) Employees of the department and consultants
17 engaged by the department to operate the controlled substances
18 database; provided, however, that access shall be limited to
19 operating and administering the database, conducting
20 departmental research when approved by the Information Release
21 Review Committee, and implementing a research request
22 authorized under subsection (b).

23 "~~(9)~~ (10) The prescription drug monitoring program of
24 any of the other states or territories of the United States,
25 if recognized by the Alliance for Prescription Drug Monitoring
26 Programs under procedures developed, certified, or approved by
27 the United States Department of Justice or the Integrated

1 Justice Information Systems Institute or successor entity
2 subject to or consistent with limitations for access
3 prescribed by this chapter for the Alabama Prescription Drug
4 Monitoring Program.

5 "~~(10)~~ (11) Authorized representatives of the Alabama
6 Medicaid Agency; provided, however, that access shall be
7 limited to inquiries concerning possible misuse or abuse of
8 controlled substances by Medicaid recipients.

9 "~~(11)~~ (12) Upon good cause shown to the State Health
10 Officer or his or her designee, authorized representatives of
11 the Board of Nursing may receive information concerning
12 licensees of the Board of Nursing; provided, however, that
13 requests shall be limited to information concerning a licensee
14 of the Board of Nursing who is the subject of an investigation
15 or disciplinary activity. Any certifying board, state, or
16 federal law enforcement agency, or other individual or entity
17 authorized to access the information from the controlled
18 substances database pursuant to this article may share
19 information from the controlled substances database with the
20 Board of Nursing, provided that the information concerns a
21 licensee of the Board of Nursing who is the subject of an
22 investigation or disciplinary activity.

23 "(b) Subject to the approval of the Information
24 Release Review Committee, the department may release or
25 publish de-identified aggregate statewide and regional
26 information for statistical, research, or educational
27 purposes.

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

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

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

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House of Representatives

Read for the first time and re-		
ferred to the House of Representa-		
tives committee on State Government		
.....	02-FEB-22
Read for the second time and placed		
on the calendar.....	09-FEB-22
Read for the third time and passed		
as amended.....	15-FEB-22
Yeas 101, Nays 0, Abstains 0		

Jeff Woodard
Clerk