

1 SB73  
2 203640-3  
3 By Senator Reed  
4 RFD: Healthcare  
5 First Read: 04-FEB-20  
6 PFD: 02/03/2020

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 the purpose of monitoring the prescribing activities of authorized nurses and to monitor 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 the purpose of monitoring nurses who prescribe  
7 controlled substances or who are prescribed controlled  
8 substances; and to make nonsubstantive, technical revisions to  
9 update the existing code language to current style.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 "§20-2-214.

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

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

26 "(2) A licensed practitioner approved by the  
27 department who has authority to prescribe, dispense, or

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

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

25 "(4) A licensed certified registered nurse  
26 practitioner or a licensed certified nurse midwife approved by  
27 the department who is authorized to prescribe, administer, or

1 dispense pursuant to a Qualified Alabama Controlled Substances  
2 Registration Certificate; provided, however, that access shall  
3 be limited to information concerning a current or prospective  
4 patient of the certified registered nurse practitioner or  
5 certified nurse midwife.

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

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

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

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

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

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

21           "(11) Authorized representatives of the Alabama  
22 Board of Nursing; provided, however, that access shall be  
23 limited to inquiries related to investigations or disciplinary  
24 activities concerning licensees of the Alabama Board of  
25 Nursing, including prescribing or dispensing information  
26 concerning licensees and prescriptions written for or  
27 dispensed to licensees of the Alabama Board of Nursing.

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

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

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

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