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Bruce  
4/13/17

**CS FOR SENATE BILL NO. 79(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

~~Introduced: 3/6/17~~

~~Referred: Labor and Commerce, Health and Social Services, Finance~~

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the prescription of opioids; ~~establishing the Voluntary Nonopioid~~  
2 ~~Directive Act~~relating to voluntary nonopioid directives; relating to the controlled  
3 substance prescription database; relating to the practice of dentistry; relating to the  
4 practice of pharmacy; relating to the practice of medicine; relating to the practice of  
5 podiatry; relating to the practice of osteopathy; relating to the practice of nursing;  
6 relating to the practice of optometry; relating to the practice of veterinary medicine;  
7 ~~related~~relating to the duties of the Board of Pharmacy; relating to pharmacists;  
8 providing for an effective date by repealing the effective date of sec. 73, ch. 25, SLA  
9 2016; and providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. ~~AS 13 is amended by adding a new chapter to read:~~

**Chapter 55. Voluntary Nonopioid Directive Act.**

**Sec. 13.55.010. Nonopioid directive; revocation; other requirements.** ~~(a)~~

~~An individual 18 years of age or older may execute a voluntary nonopioid directive in a format prescribed by the department and available in an electronic format. The instruction must state the individual's directive that the individual not be administered or prescribed an opioid.~~

~~(b) Regulations for the implementation of the voluntary nonopioid directive under this section shall~~

~~(1) include verification by a health care provider and comply with the written consent requirements under 42 U.S.C. 290dd 2(b) and 42 C.F.R. Part 2;~~

~~(2) provide standard procedures for an individual to submit a voluntary nonopioid directive to a health care provider or hospital;~~

~~(3) include appropriate exemptions for emergency medical personnel;~~

~~(4) ensure confidentiality of a voluntary nonopioid directive;~~

~~(5) ensure exemptions for an opioid used for treatment of substance abuse or opioid dependence.~~

~~(c) An individual may revoke a voluntary nonopioid directive at any time in writing or orally. An individual's guardian, conservator, or other person appointed by the individual or a court to manage the individual's health care may revoke an individual's voluntary nonopioid directive at any time in writing or orally. An individual's guardian, conservator, or other person appointed by the individual or a court to manage the individual's health care may not execute a voluntary nonopioid directive on behalf of the individual.~~

~~(d) An individual may submit a voluntary nonopioid directive to a health care provider or a hospital.~~

**Sec. 13.55.020. Obligations of health care providers and hospitals.** ~~A health care provider, a hospital, or an employee of a health care provider or hospital may not be subject to disciplinary action by the health care provider's or the employee's professional licensing board and may not be subject to civil or criminal liability for failure to administer, prescribe, or dispense an opioid to an individual who has~~

1 ~~executed a voluntary nonopioid directive.~~

2 ~~**Sec. 13.55.030. Prescriptions presumed valid.** A prescription presented to a~~  
3 ~~pharmacy is presumed to be valid and a pharmacist shall not be subject to discipline~~  
4 ~~by the pharmacist's professional licensing board or held civilly or criminally liable for~~  
5 ~~dispensing a controlled substance in contradiction to a person's voluntary nonopioid~~  
6 ~~directive.~~

7 ~~**Sec. 13.55.040. Effect of this chapter.** Nothing in this chapter shall be~~  
8 ~~construed to~~

9 ~~(1) alter an advance health care directive under AS 13.52 (Health Care~~  
10 ~~Decisions Act);~~

11 ~~(2) limit prescribing, dispensing, or administering an opioid overdose~~  
12 ~~drug;~~

13 ~~(3) limit an authorized health care provider or pharmacist from~~  
14 ~~prescribing, dispensing, or administering an opioid for the treatment of substance~~  
15 ~~abuse or opioid dependence.~~

16 ~~**Sec. 13.55.100. Definitions.** In this chapter, unless the context otherwise~~  
17 ~~requires,~~

18 ~~(1) "department" means the Department of Health and Social Services;~~

19 ~~(2) "health care provider" has the meaning given in AS 09.65.340;~~

20 ~~(3) "hospital" has the meaning given in AS 13.52.268;~~

21 ~~(4) "opioid" includes the opium and opiate substances and opium and~~  
22 ~~opiate derivatives listed in AS 11.71.140;~~

23 ~~(5) "opioid overdose drug" has the meaning given in AS 09.65.340.~~

24 ~~**Sec. 13.55.110. Short title.** This chapter may be known as the Voluntary~~  
25 ~~Nonopioid Directive Act.~~

26 ~~\* **Sec. 2.** AS 08.36.070(a), as amended by sec. 5, ch. 25, SLA 2016, is amended to read:~~

27 ~~(a) The board shall~~

28 ~~(1) provide for the examination of applicants and the credentialing,~~  
29 ~~registration, and licensure of those applicants it finds qualified;~~

30 ~~(2) maintain a registry of licensed dentists, licensed dental hygienists,~~  
31 ~~and registered dental assistants who are in good standing;~~

1 (3) affiliate with the American Association of Dental Boards and pay  
2 annual dues to the association;

3 (4) hold hearings and order the disciplinary sanction of a person who  
4 violates this chapter, AS 08.32, or a regulation of the board;

5 (5) supply forms for applications, licenses, permits, certificates,  
6 registration documents, and other papers and records;

7 (6) enforce the provisions of this chapter and AS 08.32 and adopt or  
8 amend the regulations necessary to make the provisions of this chapter and AS 08.32  
9 effective;

10 (7) adopt regulations ensuring that renewal of a license, registration, or  
11 certificate under this chapter or a license, certificate, or endorsement under AS 08.32  
12 is contingent ~~upon~~ [UPON] proof of continued professional competence; the  
13 regulations must require that a licensee receive not less than two hours of  
14 education in pain management and opioid use and addiction in the two years  
15 preceding an application for renewal of a license, unless the licensee has  
16 demonstrated to the satisfaction of the board that the licensee does not currently  
17 hold a valid federal Drug Enforcement Administration registration number;

18 (8) at least annually, cause to be published on the Internet and in a  
19 newspaper of general circulation in each major city in the state a summary of  
20 disciplinary actions the board has taken during the preceding calendar year;

21 (9) issue permits or certificates to licensed dentists, licensed dental  
22 hygienists, and dental assistants who meet standards determined by the board for  
23 specific procedures that require specific education and training;

24 (10) require that a licensed dentist who has a federal Drug  
25 Enforcement Administration registration number register with the controlled substance  
26 prescription database under AS 17.30.200(o).

27 \* **Sec. 32.** AS 08.36.110(a) is amended to read:

28 (a) An applicant for a license to practice dentistry shall

29 (1) provide certification to the board that the applicant

30 (A) is a graduate of a dental school that, at the time of  
31 graduation, is approved by the board;

1 (B) has successfully passed a written examination approved by  
2 the board;

3 (C) has not had a license to practice dentistry revoked,  
4 suspended, or voluntarily surrendered in this state or another state;

5 (D) is not the subject of an adverse decision based ~~upon~~  
6 [UPON] a complaint, investigation, review procedure, or other disciplinary  
7 proceeding within the five years immediately preceding application, or of an  
8 unresolved complaint, investigation, review procedure, or other disciplinary  
9 proceeding, undertaken by a state, territorial, local, or federal dental licensing  
10 jurisdiction;

11 (E) is not the subject of an unresolved or an adverse decision  
12 based ~~upon~~ [UPON] a complaint, investigation, review procedure, or other  
13 disciplinary proceeding, undertaken by a state, territorial, local, or federal  
14 dental licensing jurisdiction or law enforcement agency that relates to criminal  
15 or fraudulent activity, dental malpractice, or negligent dental care and that  
16 adversely reflects on the applicant's ability or competence to practice dentistry  
17 or on the safety or well-being of patients;

18 (F) is not the subject of an adverse report from the National  
19 Practitioner Data Bank or the American Association of Dental Boards  
20 Clearinghouse for Board Actions that relates to criminal or fraudulent activity,  
21 or dental malpractice;

22 (G) is not impaired to an extent that affects the applicant's  
23 ability to practice dentistry;

24 (H) has not been convicted of a crime that adversely reflects on  
25 the applicant's ability or competency to practice dentistry or that jeopardizes  
26 the safety or well-being of a patient;

27 (2) pass, to the satisfaction of the board, written, clinical, and other  
28 examinations administered or approved by the board; and

29 (3) meet the other qualifications for a license established by the board  
30 by regulation, **including education in pain management and opioid use and**  
31 **addiction in the two years preceding the application for a license, unless the**

1 **applicant has demonstrated to the satisfaction of the board that the applicant**  
2 **does not currently hold a valid federal Drug Enforcement Administration**  
3 **registration number; approved education may include dental school coursework.**

4 \* **Sec. 43.** AS 08.36.315 is amended to read:

5 **Sec. 08.36.315. Grounds for discipline, suspension, or revocation of license.**

6 The board may revoke or suspend the license of a dentist, or may reprimand, censure,  
7 or discipline a dentist, or both, if the board finds, after a hearing, that the dentist

8 (1) used or knowingly cooperated in deceit, fraud, or intentional  
9 misrepresentation to obtain a license;

10 (2) engaged in deceit, fraud, or intentional misrepresentation in the  
11 course of providing or billing for professional dental services or engaging in  
12 professional activities;

13 (3) advertised professional dental services in a false or misleading  
14 manner;

15 (4) received compensation for referring a person to another dentist or  
16 dental practice;

17 (5) has been convicted of a felony or other crime that affects the  
18 dentist's ability to continue to practice dentistry competently and safely;

19 (6) engaged in the performance of patient care, or permitted the  
20 performance of patient care by persons under the dentist's supervision, regardless of  
21 whether actual injury to the patient occurred,

22 (A) that did not conform to minimum professional standards of  
23 dentistry; or

24 (B) when the dentist, or a person under the supervision of the  
25 dentist, did not have the permit, registration, or certificate required under  
26 AS 08.32 or this chapter;

27 (7) failed to comply with this chapter, with a regulation adopted under  
28 this chapter, or with an order of the board;

29 (8) continued to practice after becoming unfit due to

30 (A) professional incompetence;

31 (B) addiction or dependence on alcohol or other drugs that

1 impair the dentist's ability to practice safely;

2 (C) physical or mental disability;

3 (9) engaged in lewd or immoral conduct in connection with the  
4 delivery of professional service to patients;

5 (10) permitted a dental hygienist or dental assistant who is employed  
6 by the dentist or working under the dentist's supervision to perform a dental procedure  
7 in violation of AS 08.32.110 or AS 08.36.346;

8 (11) failed to report to the board a death that occurred on the premises  
9 used for the practice of dentistry within 48 hours;

10 (12) falsified or destroyed patient or facility records or failed to  
11 maintain a patient or facility record for at least seven years after the date the record  
12 was created;

13 **(13) prescribed or dispensed an opioid in excess of the maximum**  
14 **dosage authorized under AS 08.36.355; or**

15 **(14) procured, sold, prescribed, or dispensed drugs in violation of**  
16 **a law, regardless of whether there has been a criminal action or harm to the**  
17 **patient ~~harm~~.**

18 \* **Sec. 54.** AS 08.36 is amended by adding a new section to read:

19 **Sec. 08.36.355. Maximum dosage for opioid prescriptions.** (a) A licensee  
20 may not issue

21 (1) an initial prescription for an opioid that exceeds a seven-day supply  
22 to an adult patient for outpatient use;

23 ~~(b) A licensee may not issue~~2) a prescription for an opioid that  
24 exceeds a seven-day supply to a minor. ~~At;~~ at the time a licensee writes a prescription  
25 for an opioid for a minor, the licensee shall discuss with the parent or guardian of the  
26 minor why the prescription is necessary and the risks associated with opioid use.

27 (eb) Notwithstanding ~~(a) and (b)~~ of this section, a licensee may issue a  
28 prescription for an opioid that exceeds a seven-day supply to an adult or minor patient  
29 if, in the professional judgment of the licensee, more than a seven-day supply of an  
30 opioid is necessary for

31 (1) the patient's chronic pain management; the licensee may write a

1 prescription for an opioid for the quantity needed to treat the patient's medical  
2 condition or chronic pain; the licensee shall document in the patient's medical record  
3 the condition triggering the prescription of an opioid in a quantity that exceeds a  
4 seven-day supply and indicate that a nonopioid alternative was not appropriate to  
5 address the medical condition; or

6 (2) a patient who is unable to access a practitioner within the time  
7 necessary for a refill of the seven-day supply because of a logistical or travel barrier;  
8 the licensee may write a prescription for an opioid for the quantity needed to treat the  
9 patient for the time that the patient is unable to access a practitioner; the licensee shall  
10 document in the patient's medical record the reason for the prescription of an opioid in  
11 a quantity that exceeds a seven-day supply and indicate that a nonopioid alternative  
12 was not appropriate to address the medical condition; in this paragraph, "practitioner"  
13 has the meaning given in AS 11.71.900.

14 (dc) In this section,

15 (1) "adult" means

16 (A) a ~~person~~individual who has reached 18 years of age; or

17 (B) an emancipated minor;

18 (2) "emancipated minor" means a minor whose disabilities have been  
19 removed for general purposes -under AS 09.55.590;

20 (3) "minor" means a ~~person~~an individual under 18 years of age who is  
21 not an emancipated ~~minors~~minor.

22 \* **Sec. 65.** AS 08.36.370 is amended by adding a new paragraph to read:

23 (10) "opioid" includes the opium and opiate substances and opium and  
24 opiate derivatives listed in AS 11.71.140.

25 \* **Sec. 76.** AS 08.64.107 is amended to read:

26 **Sec. 08.64.107. Regulation of physician assistants and intensive care**  
27 **paramedics.** The board shall adopt regulations regarding the licensure of physician  
28 assistants and registration of mobile intensive care paramedics, and the medical  
29 services that they may perform, including the

30 (1) educational and other qualifications, **including education in pain**  
31 **management and opioid use and addiction;**



- (2) application and registration procedures;
- (3) scope of activities authorized; and
- (4) responsibilities of the supervising or training physician.

\* **Sec. 87.** AS 08.64.200(a) is amended to read:

(a) Except for foreign medical graduates as specified in AS 08.64.225, each physician applicant shall

(1) submit a certificate of graduation from a legally chartered medical school accredited by the Association of American Medical Colleges and the Council on Medical Education of the American Medical Association;

(2) submit a certificate from a recognized hospital or hospitals certifying that the applicant has satisfactorily performed the duties of resident physician or intern for a period of

(A) one year if the applicant graduated from medical school before January 1, 1995, as evidenced by a certificate of completion of the first year of postgraduate training from the facility where the applicant completed the first year of internship or residency; and

(B) two years if the applicant graduated from medical school on or after January 1, 1995, as evidenced by a certificate of completion of the first year of postgraduate training from the facility where the applicant completed the first year of internship or residency and a certificate of successful completion of one additional year of postgraduate training at a recognized hospital;

(3) submit a list of negotiated settlements or judgments in claims or civil actions alleging medical malpractice against the applicant, including an explanation of the basis for each claim or action; ~~and~~ **[AND]**

(4) not have a license to practice medicine in another state, country, province, or territory that is currently suspended or revoked for disciplinary reasons; **and**

**(5) receive education in pain management and opioid use and addiction, unless the applicant has demonstrated to the satisfaction of the board that the applicant does not currently hold a valid federal Drug Enforcement**

1 **Administration registration number; an applicant may include past professional**  
2 **experience or professional education as proof of professional competence.**

3 ~~\* Sec. 9~~ \* Sec. 8. AS 08.64.205 is amended to read:

4 **Sec. 08.64.205. Qualifications for osteopath applicants.** Each osteopath  
5 applicant shall meet the qualifications prescribed in **AS 08.64.200(a)(3), (4), and )** -  
6 **(5)** [AS 08.64.200(a)(3) AND (4)] and shall

7 (1) submit a certificate of graduation from the legally chartered school  
8 of osteopathy approved by the board;

9 (2) submit a certificate from a hospital approved by the American  
10 Medical Association or the American Osteopathic Association that certifies that the  
11 osteopath has satisfactorily completed and performed the duties of intern or resident  
12 physician for

13 (A) one year if the applicant graduated from a school of  
14 osteopathy before January 1, 1995, as evidenced by a certificate of completion  
15 of the first year of postgraduate training from the facility where the applicant  
16 completed the first year of internship or residency; or

17 (B) two years if the applicant graduated from a school of  
18 osteopathy on or after January 1, 1995, as evidenced by a certificate of  
19 completion of the first year of postgraduate training from the facility where the  
20 applicant completed the first year of internship or residency and a certificate of  
21 successful completion of one additional year of postgraduate training at a  
22 recognized hospital;

23 (3) take the examination required by AS 08.64.210 or be certified to  
24 practice by the National Board of Examiners for Osteopathic Physicians and  
25 Surgeons;

26 **(4) receive education in pain management and opioid use and**  
27 **addiction, unless the applicant has demonstrated to the satisfaction of the board**  
28 **that the applicant does not currently hold a valid federal Drug Enforcement**  
29 **Administration registration number; an applicant may include past professional**  
30 **experience or professional education as proof of professional competence.**

31 \* ~~Sec. 109~~. AS 08.64.209(a) is amended to read:

1 (a) Each applicant who desires to practice podiatry shall meet the  
2 qualifications prescribed in AS 08.64.200(a)(3), (4), and (5) [AS 08.64.200(a)(3)  
3 AND (4)] and shall

4 (1) submit a certificate of graduation from a legally chartered school of  
5 podiatry approved by the board;

6 (2) take the examination required by AS 08.64.210; the State Medical  
7 Board shall call to its aid a podiatrist of known ability who is licensed to practice  
8 podiatry to assist in the examination and licensure of applicants for a license to  
9 practice podiatry;

10 (3) **receive education in pain management and opioid use and**  
11 **addiction, unless the applicant has demonstrated to the satisfaction of the board**  
12 **that the applicant does not currently hold a valid federal Drug Enforcement**  
13 **Administration registration number; an applicant may include past professional**  
14 **experience or professional education as proof of professional competence;**

15 (4) meet other qualifications of experience or education which the  
16 board may require.

17 \* **Sec. 1110.** AS 08.64.225(a) is amended to read:

18 (a) Applicants who are graduates of medical colleges not accredited by the  
19 Association of American Medical Colleges and the Council on Medical Education of  
20 the American Medical Association shall

21 (1) meet the requirements of AS 08.64.200(a)(3), (4), and (5)  
22 [AS 08.64.200(a)(3) AND (4)] and 08.64.255;

23 (2) have successfully completed

24 (A) three years of postgraduate training as evidenced by a  
25 certificate of completion of the first year of postgraduate training from the  
26 facility where the applicant completed the first year of internship or residency  
27 and a certificate of successful completion of two additional years of  
28 postgraduate training at a recognized hospital; or

29 (B) other requirements establishing proof of competency and  
30 professional qualifications as the board considers necessary to ensure the  
31 continued protection of the public adopted at the discretion of the board by

1 regulation, including education in pain management and opioid use and  
 2 addiction, unless the applicant has demonstrated to the satisfaction of the  
 3 board that the applicant does not currently hold a valid federal Drug  
 4 Enforcement Administration registration number; an applicant may  
 5 include past professional experience or professional education as proof of  
 6 professional competence; and

7 (3) have passed examinations as specified by the board in regulations.

8 \* **Sec. 1211.** AS 08.64.250 is amended to read:

9 **Sec. 08.64.250. License by credentials.** The board may waive the examination  
 10 requirement and license by credentials if the physician, osteopath, or podiatry  
 11 applicant meets the requirements of AS 08.64.200, 08.64.205, or 08.64.209, submits  
 12 proof of continued competence as required by regulation, pays the required fee, and  
 13 has

14 (1) an active license from a board of medical examiners established  
 15 under the laws of a state or territory of the United States or a province or territory of  
 16 Canada issued after thorough examination; or

17 (2) passed an examination as specified by the board in regulations.

18 - \* **Sec. 1312.** AS 08.64.250 is amended by adding a new subsection to read:

19 (b) ~~Regulations~~ The board shall adopt regulations under (a) of this section  
 20 ~~must that~~ require ~~the an~~ applicant demonstrate professional competence in pain  
 21 management and addiction disorders; ~~an~~ An applicant may include past professional  
 22 experience or professional education as proof of professional competence.

23 \* **Sec. ~~1412~~ 1413.** AS 08.64.312 is amended to read:

24 **Sec. 08.64.312. Continuing education requirements.** (a) The board shall  
 25 promote a high degree of competence in the practice of medicine, osteopathy, and  
 26 podiatry by requiring every licensee of medicine, osteopathy, and podiatry  
 27 [PHYSICIAN LICENSED] in the state to fulfill continuing education requirements.

28 (b) Before a license may be renewed, the licensee shall submit evidence to the  
 29 board or its designee that continuing education requirements prescribed by regulations  
 30 adopted by the board have been met, ~~including~~ Continuing education requirements  
 31 must include not less than two hours of education in pain management and

**opioid use and addiction for every 40 hours of education received, unless the licensee demonstrates to the satisfaction of the board that the licensee's practice does not include pain management and opioid treatment or prescribing.**

(c) The board or its designee may exempt a physician, **osteopath, or podiatrist** from the requirements of (b) of this section upon an application by the physician, **osteopath, or podiatrist** giving evidence satisfactory to the board or its designee that the physician, **osteopath, or podiatrist** is unable to comply with the requirements because of extenuating circumstances. However, a person may not be exempted from more than 15 hours of continuing education in a five-year period; **a person may not be exempted from the requirement to receive at least two hours of education in pain management and opioid use and addiction, unless the person has demonstrated to the satisfaction of the board that the person does not currently hold a valid federal Drug Enforcement Administration registration number.**

\* **Sec. 1514.** AS 08.64.326(a) is amended to read:

(a) The board may impose a sanction if the board finds after a hearing that a licensee

(1) secured a license through deceit, fraud, or intentional misrepresentation;

(2) engaged in deceit, fraud, or intentional misrepresentation while providing professional services or engaging in professional activities;

(3) advertised professional services in a false or misleading manner;

(4) has been convicted, including conviction based on a guilty plea or plea of nolo contendere, of

(A) a class A or unclassified felony or a crime in another jurisdiction with elements similar to a class A or unclassified felony in this jurisdiction;

(B) a class B or class C felony or a crime in another jurisdiction with elements similar to a class B or class C felony in this jurisdiction if the felony or other crime is substantially related to the qualifications, functions, or duties of the licensee; or

1 (C) a crime involving the unlawful procurement, sale,  
2 prescription, or dispensing of drugs;

3 (5) has procured, sold, prescribed, or dispensed drugs in violation of a  
4 law regardless of whether there has been a criminal action or harm to the patient  
5 harm;

6 (6) intentionally or negligently permitted the performance of patient  
7 care by persons under the licensee's supervision that does not conform to minimum  
8 professional standards even if the patient was not injured;

9 (7) failed to comply with this chapter, a regulation adopted under this  
10 chapter, or an order of the board;

11 (8) has demonstrated

12 (A) professional incompetence, gross negligence, or repeated  
13 negligent conduct; the board may not base a finding of professional  
14 incompetence solely on the basis that a licensee's practice is unconventional or  
15 experimental in the absence of demonstrable physical harm to a patient;

16 (B) addiction to, severe dependency on, or habitual overuse of  
17 alcohol or other drugs that impairs the licensee's ability to practice safely;

18 (C) unfitness because of physical or mental disability;

19 (9) engaged in unprofessional conduct, in sexual misconduct, or in  
20 lewd or immoral conduct in connection with the delivery of professional services to  
21 patients; in this paragraph, "sexual misconduct" includes sexual contact, as defined by  
22 the board in regulations adopted under this chapter, or attempted sexual contact with a  
23 patient outside the scope of generally accepted methods of examination or treatment of  
24 the patient, regardless of the patient's consent or lack of consent, during the term of the  
25 physician-patient relationship, as defined by the board in regulations adopted under  
26 this chapter, unless the patient was the licensee's spouse at the time of the contact or,  
27 immediately preceding the physician-patient relationship, was in a dating, courtship,  
28 or engagement relationship with the licensee;

29 (10) has violated AS 18.16.010;

30 (11) has violated any code of ethics adopted by regulation by the  
31 board;

1 (12) has denied care or treatment to a patient or person seeking  
2 assistance from the physician if the only reason for the denial is the failure or refusal  
3 of the patient to agree to arbitrate as provided in AS 09.55.535(a); [OR]

4 (13) has had a license or certificate to practice medicine in another  
5 state or territory of the United States, or a province or territory of Canada, denied,  
6 suspended, revoked, surrendered while under investigation for an alleged violation,  
7 restricted, limited, conditioned, or placed on probation unless the denial, suspension,  
8 revocation, or other action was caused by the failure of the licensee to pay fees to that  
9 state, territory, or province; or

10 **(14) prescribed or dispensed an opioid in excess of the maximum**  
11 **dosage authorized under AS 08.64.363.**

12 \* **Sec. 1615.** AS 08.64 is amended by adding a new section to article 3 to read:

13 **Sec. 08.64.363. Maximum dosage for opioid prescriptions.** (a) A licensee  
14 may not issue

15 (1) an initial prescription for an opioid that exceeds a seven-day supply  
16 to an adult patient for outpatient use;

17 ~~(b) A licensee may not issue~~2) a prescription for an opioid that  
18 exceeds a seven-day supply to a minor. ~~At~~ at the time a licensee writes a prescription  
19 for an opioid for a minor, the licensee shall discuss with the parent or guardian of the  
20 minor why the prescription is necessary and the risks associated with opioid use.

21 ~~(eb)~~ Notwithstanding ~~(a) and (b)~~ of this section, a licensee may issue a  
22 prescription for an opioid that exceeds a seven-day supply to an adult or minor patient  
23 if, in the professional medical judgment of the licensee, more than a seven-day supply  
24 of an opioid is necessary for

25 (1) the patient's acute medical condition, chronic pain management,  
26 pain associated with ~~a cancer diagnosis~~, or pain experienced while the patient is in  
27 palliative care; the licensee may write a prescription for an opioid for the quantity  
28 needed to treat the patient's medical condition, chronic pain, pain associated with ~~a~~  
29 ~~cancer diagnosis~~, or pain experienced while the patient is in palliative care; the  
30 licensee shall document in the patient's medical record the condition triggering the  
31 prescription of an opioid in a quantity that exceeds a seven-day supply and indicate

1 that a nonopioid alternative was not appropriate to address the medical condition;

2 (2) a patient who is unable to access a practitioner within the time  
3 necessary for a refill of the seven-day supply because of a logistical or travel barrier;  
4 the licensee may write a prescription for an opioid for the quantity needed to treat the  
5 patient for the time that the patient is unable to access a practitioner; the licensee shall  
6 document in the patient's medical record the reason for the prescription of an opioid in  
7 a quantity that exceeds a seven-day supply and indicate that a nonopioid alternative  
8 was not appropriate to address the medical condition; in this paragraph, "practitioner"  
9 has the meaning given in AS 11.71.900; or

10 (3) the treatment of a patient's substance abuse or opioid dependence;  
11 the licensee may write a prescription for an opioid approved for the treatment of  
12 substance abuse or opioid dependence for the quantity needed to treat the patient's  
13 substance abuse or opioid dependence; the licensee shall document in the patient's  
14 medical record the reason for the prescription of an opioid approved for the treatment  
15 of substance abuse or opioid dependence in a quantity that exceeds a seven-day supply  
16 and indicate that a nonopioid alternative was not appropriate for the treatment of  
17 substance abuse or opioid dependence.

18 ~~(d) In this section,~~

19 ~~(1) "adult" means~~

20 (c) In this section,

21 (1) "adult" means

22 (A) ~~a person~~ an individual who has reached 18 years of age; or

23 (B) an emancipated minor;

24 (2) "emancipated minor" means a minor whose disabilities have been  
25 removed for general purposes under AS 09.55.590;

26 (3) "minor" means a ~~person~~ individual under 18 years of age who is not  
27 an emancipated minor.

28 \* **Sec. 1716.** AS 08.64.364(c) is amended to read:

29 (c) The board may not impose disciplinary sanctions on a physician for  
30 prescribing, dispensing, or administering a prescription drug that is a controlled  
31 substance or botulinum toxin if the requirements under (a) of this section **and**



1 AS 08.64.363 are met and the physician prescribes, dispenses, or administers the  
2 controlled substance or botulinum toxin when an appropriate licensed health care  
3 provider is present with the patient to assist the physician with examination, diagnosis,  
4 and treatment.

5 \* **Sec. 18**~~17~~. AS 08.64.380 is amended by adding a new paragraph to read:

6 (7) "opioid" includes the opium and opiate substances and opium and  
7 opiate derivatives listed in AS 11.71.140.

8 \* **Sec. 18**. AS 08.68.100(a), as amended by sec. 10, ch. 25, SLA 2016, is amended to read:

9 (a) The board shall

10 (1) adopt regulations necessary to implement this chapter, including  
11 regulations

12 (A) pertaining to practice as an advanced practice registered  
13 nurse, including requirements for an advanced practice registered nurse to  
14 practice as a certified registered nurse anesthetist, certified clinical nurse  
15 specialist, certified nurse practitioner, or certified nurse midwife; **regulations**  
16 **for an advanced practice registered nurse who holds a valid federal Drug**  
17 **Enforcement Administration registration number must address training**  
18 **in pain management and opioid use and addiction;**

19 (B) necessary to implement AS 08.68.331 - 08.68.336 relating  
20 to certified nurse aides in order to protect the health, safety, and welfare of  
21 clients served by nurse aides;

22 (C) pertaining to retired nurse status; and

23 (D) establishing criteria for approval of practical nurse  
24 education programs that are not accredited by a national nursing accrediting  
25 body;

26 (2) approve curricula and adopt standards for basic education programs  
27 that prepare persons for licensing under AS 08.68.190;

28 (3) provide for surveys of the basic nursing education programs in the  
29 state at the times it considers necessary;

30 (4) approve education programs that meet the requirements of this  
31 chapter and of the board, and deny, revoke, or suspend approval of education

1 programs for failure to meet the requirements;

2 (5) examine, license, and renew the licenses of qualified applicants;

3 (6) prescribe requirements for competence before a former registered,  
4 advanced practice registered, or licensed practical nurse may resume the practice of  
5 nursing under this chapter;

6 (7) define by regulation the qualifications and duties of the executive  
7 administrator and delegate authority to the executive administrator that is necessary to  
8 conduct board business;

9 (8) develop reasonable and uniform standards for nursing practice;

10 (9) publish advisory opinions regarding whether nursing practice  
11 procedures or policies comply with acceptable standards of nursing practice as defined  
12 under this chapter;

13 (10) require applicants under this chapter to submit fingerprints and the  
14 fees required by the Department of Public Safety under AS 12.62.160 for criminal  
15 justice information and a national criminal history record check; the department shall  
16 submit the fingerprints and fees to the Department of Public Safety for a report of  
17 criminal justice information under AS 12.62 and a national criminal history record  
18 check under AS 12.62.400;

19 (11) require that a licensed advanced **practice registered** nurse  
20 [PRACTITIONER] who has a federal Drug Enforcement Administration registration  
21 number register with the controlled substance prescription database under  
22 AS 17.30.200(o).

23 **\* Sec. 19.** AS 08.68.270 is amended to read:

24 **Sec. 08.68.270. Grounds for denial, suspension, or revocation.** The board  
25 may deny, suspend, or revoke the license of a person who

26 (1) has obtained or attempted to obtain a license to practice nursing by  
27 fraud or deceit;

28 (2) has been convicted of a felony or other crime if the felony or other  
29 crime is substantially related to the qualifications, functions, or duties of the licensee;

30 (3) habitually abuses alcoholic beverages, or illegally uses controlled  
31 substances;

1 (4) has impersonated a registered, advanced practice registered, or  
2 practical nurse;

3 (5) has intentionally or negligently engaged in conduct that has  
4 resulted in a significant risk to the health or safety of a client or in injury to a client;

5 (6) practices or attempts to practice nursing while afflicted with  
6 physical or mental illness, deterioration, or disability that interferes with the  
7 individual's performance of nursing functions;

8 (7) is guilty of unprofessional conduct as defined by regulations  
9 adopted by the board;

10 (8) has wilfully or repeatedly violated a provision of this chapter or  
11 regulations adopted under this chapter or AS 08.01;

12 (9) is professionally incompetent;

13 (10) denies care or treatment to a patient or person seeking assistance  
14 if the sole reason for the denial is the failure or refusal of the patient or person seeking  
15 assistance to agree to arbitrate as provided in AS 09.55.535(a);

16 **(11) has prescribed or dispensed an opioid in excess of the**  
17 **maximum dosage authorized under AS 08.68.705; or**

18 **(12) has procured, sold, prescribed, or dispensed drugs in violation**  
19 **of a law, regardless of whether there has been a criminal action or ~~harm to the~~**  
20 **patient ~~harm~~.**

21 \* **Sec. 20.** AS 08.68.276 is amended to read:

22 **Sec. 08.68.276. Continuing competence required.** A license to practice  
23 nursing may not be renewed unless the nurse has complied with continuing  
24 competence requirements established by the board by regulation. ~~Regulations~~**The**  
25 **board shall adopt regulations for renewal of a license of an advanced practice**  
26 **registered nurse. The regulations must require that a licensee receive not less**  
27 **than two hours of education in pain management and opioid use and addiction in**  
28 **the two years preceding an application for renewal of a license; unless the licensee**  
29 **has demonstrated to the satisfaction of the board that the licensee does not**  
30 **currently hold a valid federal Drug Enforcement Administration registration**  
31 **number.**

1 \* **Sec. 21.** AS 08.68 is amended by adding a new section to article 6 to read:

2 **Sec. 08.68.705. Maximum dosage for opioid prescriptions.** (a) An advanced  
3 practice registered nurse ~~licensed in the state~~ may not issue

4 (1) an initial prescription for an opioid that exceeds a seven-day supply  
5 to an adult patient for outpatient use;

6 ~~(b) An advanced practice registered nurse licensed in the state may not~~  
7 ~~issue~~2) a prescription for an opioid that exceeds a seven-day supply to a minor. ~~At~~ at  
8 the time an advanced practice registered nurse writes a prescription for an opioid for a  
9 minor, the advanced practice registered nurse shall discuss with the parent or guardian  
10 of the minor why the prescription is necessary and the risks associated with opioid use.

11 (eb) Notwithstanding (a) ~~and (b)~~ of this section, an advanced practice  
12 registered nurse ~~licensed in the state~~ may issue a prescription for an opioid that  
13 exceeds a seven-day supply to an adult or minor patient if, in the professional  
14 judgment of the advanced practice registered nurse, more than a seven-day supply of  
15 an opioid is necessary for

16 (1) the patient's acute medical condition, chronic pain management,  
17 pain associated with ~~a cancer diagnosis~~, or pain experienced while the patient is in  
18 palliative care; the advanced practice registered nurse may write a prescription for an  
19 opioid for the quantity needed to treat the patient's medical condition, chronic pain,  
20 pain associated with ~~a cancer diagnosis~~, or pain experienced while the patient is in  
21 palliative care; the advanced practice registered nurse shall document in the patient's  
22 medical record the condition triggering the prescription of an opioid in a quantity that  
23 exceeds a seven-day supply and indicate that a nonopioid alternative was not  
24 appropriate to address the medical condition; or

25 (2) a patient who is unable to access a practitioner within the time  
26 necessary for a refill of the seven-day supply because of a logistical or travel barrier;  
27 the advanced practice registered nurse may write a prescription for an opioid for the  
28 quantity needed to treat the patient for the time that the patient is unable to access a  
29 practitioner; the advanced practice registered nurse shall document in the patient's  
30 medical record the reason for the prescription of an opioid in a quantity that exceeds a  
31 seven-day supply and indicate that a nonopioid alternative was not appropriate to

1 address the medical condition; in this paragraph, "practitioner" has the meaning given  
2 in AS 11.71.900.

3 (ec) This section does not authorize an advanced practice registered nurse to  
4 prescribe a controlled substance if ~~that~~the advanced practice registered nurse is not  
5 otherwise authorized to prescribe a controlled substance under policies, procedures, or  
6 regulations issued or adopted by the board.

7 (d) In this section,

8 (1) "adult" means

9 ~~(f) In this section,~~

10 ~~(1) "adult" means~~

11 (A) ~~a person~~an individual who has reached 18 years of age; or

12 (B) an emancipated minor;

13 (2) "emancipated minor" means a minor whose disabilities have been  
14 removed for general purposes under AS 09.55.590;

15 (3) "minor" means ~~a person~~an individual under 18 years of age who is  
16 not an emancipated minor.

17 \* **Sec. 22.** AS 08.68.850 is amended by adding a new paragraph to read:

18 (12) "opioid" includes the opium and opiate substances and opium and  
19 opiate derivatives listed in AS 11.71.140.

20 \* **Sec. 23.** AS 08.72.140 is amended to read:

21 **Sec. 08.72.140. Qualifications for licensure.** An applicant for licensure as an  
22 optometrist

23 (1) shall be a graduate of a school or college of optometry recognized  
24 by the board;

25 (2) may not have committed an act in any jurisdiction that would have  
26 constituted a violation of this chapter or regulations adopted under this chapter at the  
27 time the act was committed;

28 (3) may not have been disciplined by an optometry licensing entity in  
29 another jurisdiction and may not be the subject of a pending disciplinary proceeding  
30 conducted by an optometry licensing entity in another jurisdiction; however, the board  
31 may consider the disciplinary action and, in the board's discretion, determine if the

1 person is qualified for licensure:

2 (4) shall have successfully completed

3 (A) the written and practical portions of an examination on  
4 ocular pharmacology approved by the board that tests the licensee's or  
5 applicant's knowledge of the characteristics, pharmacological effects,  
6 indications, contraindications, and emergency care associated with the  
7 prescription and use of pharmaceutical agents;

8 (B) a nontopical therapeutic pharmaceutical agent course of at  
9 least 23 hours approved by the board or an examination approved by the board  
10 on the treatment and management of ocular disease; and

11 (C) an optometry and nontopical therapeutic pharmaceutical  
12 agent injection course of at least seven hours approved by the board or  
13 equivalent training acceptable to the board; and

14 (5) shall meet other qualifications for licensure as established under  
15 this chapter and regulations adopted by the board under AS 08.72.050; the  
16 regulations must include qualifications for licensees who hold a valid federal  
17 Drug Enforcement Administration registration number that address training in  
18 pain management and opioid use and addiction.

19 \* Sec. 24. AS 08.72.170 is amended to read:

20 **Sec. 08.72.170. Licensure by credentials.** The board shall issue a license by  
21 credentials to an applicant who

22 (1) is a graduate of a school or college of optometry recognized by the  
23 board;

24 (2) has passed a written examination approved by the board that is  
25 designed to test the applicant's knowledge of the laws of Alaska governing the practice  
26 of optometry and the regulations adopted under those laws;

27 (3) holds a current license to practice optometry in another state or  
28 territory of the United States or in a province of Canada that has licensure  
29 requirements that the board determines are equivalent to those established under this  
30 chapter;

31 (4) at some time in the past, received a license to practice optometry

1 from another state or territory of the United States or from a province of Canada that  
2 required the person to have passed the National Board of Examiners in Optometry  
3 examination to qualify for licensure;

4 (5) was engaged in the active licensed clinical practice of optometry in  
5 a state or territory of the United States or in a province of Canada for at least 3,120  
6 hours during the 36 months preceding the date of application under this section;

7 (6) has not committed an act in any jurisdiction that would have  
8 constituted a violation of this chapter or regulations adopted under this chapter at the  
9 time the act was committed; ~~and~~ [AND]

10 (7) has not been disciplined by an optometry licensing entity in another  
11 jurisdiction and is not the subject of a pending disciplinary proceeding conducted by  
12 an optometry licensing entity in another jurisdiction; however, the board may consider  
13 the disciplinary action and, in the board's discretion, determine ~~if~~ whether [IF] the  
14 person is qualified for licensure; ~~and~~ and

15 **(8) has received education in pain management and opioid use and**  
16 **addiction adequate for the practice of optometry, unless the applicant has**  
17 **demonstrated to the satisfaction of the board that the applicant does not**  
18 **currently hold a valid federal Drug Enforcement Administration registration**  
19 **number; an applicant may include past professional experience or professional**  
20 **education as proof of professional competence.**

21 \* **Sec. ~~24~~25**. AS 08.72.181(d) is amended to read:

22 (d) Before a license may be renewed, the licensee shall submit to the board  
23 evidence that, in the four years preceding the application for renewal, the licensee has

24 (1) completed eight hours of continuing education, approved by the  
25 board, concerning the use and prescription of pharmaceutical agents;

26 (2) completed seven hours of continuing education, approved by the  
27 board, concerning the injection of nontopical therapeutic pharmaceutical agents;  
28 [AND]

29 (3) **completed at least two hours of education in pain management**  
30 **and opioid use and addiction, unless the applicant has demonstrated to the**  
31 **satisfaction of the board that the applicant does not currently hold a valid federal**

1           **Drug Enforcement Administration registration number; and**

2                           (4) met other continuing education requirements as may be prescribed  
3 by regulations of the board to ensure the continued protection of the public.

4 \* **Sec. 2526.** AS 08.72.240 is amended to read:

5                           **Sec. 08.72.240. Grounds for imposition of disciplinary sanctions.** The board  
6 may impose disciplinary sanctions when the board finds after a hearing that a licensee

7                           (1) secured a license through deceit, fraud, or intentional  
8 misrepresentation;

9                           (2) engaged in deceit, fraud, or intentional misrepresentation in the  
10 course of providing professional services or engaging in professional activities;

11                           (3) advertised professional services in a false or misleading manner;

12                           (4) has been convicted of a felony or other crime ~~which~~that **[WHICH]**  
13 affects the licensee's ability to continue to practice competently and safely;

14                           (5) intentionally or negligently engaged in or permitted the  
15 performance of patient care by persons under the licensee's supervision ~~which~~that  
16 **[WHICH]** does not conform to minimum professional standards regardless of whether  
17 actual injury to the patient occurred;

18                           (6) failed to comply with this chapter, with a regulation adopted under  
19 this chapter, or with an order of the board;

20                           (7) continued to practice after becoming unfit due to

21   (A) professional incompetence;

22   (B) failure to keep informed of or use current professional  
23 theories or practices;

24   (C) addiction or severe dependency on alcohol or other drugs  
25 ~~which~~that **[WHICH]** impairs the licensee's ability to practice safely;

26   (D) physical or mental disability;

27                           (8) engaged in lewd or immoral conduct in connection with the  
28 delivery of professional service to patients;

29                           (9) failed to refer a patient to a physician after ascertaining the  
30 presence of ocular or systemic conditions requiring management by a physician;

31                           **(10) procured, sold, prescribed, or dispensed drugs in violation of**



**a law, regardless of whether there has been a criminal action or harm to the patient harm.**

\* **Sec. 2627.** AS 08.80.030(b), as amended by sec. 12, ch. 25, SLA 2016, is amended to read:

(b) In order to fulfill its responsibilities, the board has the powers necessary for implementation and enforcement of this chapter, including the power to

(1) elect a president and secretary from its membership and adopt rules for the conduct of its business;

(2) license by examination or by license transfer the applicants who are qualified to engage in the practice of pharmacy;

(3) assist the department in inspections and investigations for violations of this chapter, or of any other state or federal statute relating to the practice of pharmacy;

(4) adopt regulations to carry out the purposes of this chapter;

(5) establish and enforce compliance with professional standards and rules of conduct for pharmacists engaged in the practice of pharmacy;

(6) determine standards for recognition and approval of degree programs of schools and colleges of pharmacy whose graduates shall be eligible for licensure in this state, including the specification and enforcement of requirements for practical training, including internships;

(7) establish for pharmacists and pharmacies minimum specifications for the physical facilities, technical equipment, personnel, and procedures for the storage, compounding, and dispensing of drugs or related devices, and for the monitoring of drug therapy;

(8) enforce the provisions of this chapter relating to the conduct or competence of pharmacists practicing in the state, and the suspension, revocation, or restriction of licenses to engage in the practice of pharmacy;

(9) license and regulate the training, qualifications, and employment of pharmacy interns and pharmacy technicians;

(10) issue licenses to persons engaged in the manufacture and distribution of drugs and related devices;

1 (11) establish and maintain a controlled substance prescription  
2 database as provided in AS 17.30.200;

3 (12) establish standards for the independent administration by a  
4 pharmacist of vaccines and related emergency medications under AS 08.80.168,  
5 including the completion of an immunization training program approved by the board;

6 ~~(13)~~ (13) establish standards for the independent dispensing by a  
7 pharmacist of an opioid overdose drug under AS 17.20.085, including the completion  
8 of an opioid overdose training program approved by the board;

9 (14) require that a licensed pharmacist [WHO HAS A FEDERAL  
10 DRUG ENFORCEMENT ADMINISTRATION REGISTRATION NUMBER]  
11 register with the controlled substance prescription database under AS 17.30.200(o).

12 \* **Sec. 2728.** AS 08.80 is amended by adding a new section to article 3 to read:

13 **Sec. 08.80.340345. Prescription for an opioid; voluntary request for lesser**  
14 **quantity.** (a) A pharmacist filling a prescription for an opioid that is a schedule II or  
15 III controlled substance under federal law may, at the request of the individual for  
16 whom the prescription is written, dispense the prescribed ~~substance~~opioid in a lesser  
17 quantity than prescribed. ~~The remaining quantity in excess of the quantity requested~~  
18 ~~by the individual shall be void.~~

19 ~~(b) A pharmacist who dispenses less than the full quantity of a prescribed~~  
20 ~~substance under (a) of this section shall notify the prescribing practitioner within 72~~  
21 ~~hours and submit information as to the amount of the controlled substance prescribed~~  
22 ~~and the amount dispensed in the controlled substance prescription database under~~  
23 ~~AS 17.30; in this section, "opioid" includes the opium and opiate substances and~~  
24 ~~opium and opiate derivatives listed in AS 11.71.140.~~

25 ~~(e)~~(b) Nothing in this section shall be construed to prevent substitution of an  
26 equivalent drug under AS 08.80.295.

27 \* **Sec. 2829.** AS 08.98.050(a) is amended to read:

28 (a) The board shall

29 (1) establish examination requirements for eligible applicants for  
30 licensure to practice veterinary medicine;

31 (2) examine, or cause to be examined, eligible applicants for licensure

1 or registration;

2 (3) approve the issuance of licenses and student permits to qualified  
3 applicants;

4 (4) establish standards for the practice of veterinary medicine by  
5 regulation;

6 (5) conduct disciplinary proceedings in accordance with this chapter;  
7 ~~**in addition, the board may deny, suspend, or revoke the license of a person who**~~  
8 ~~**has procured, sold, prescribed, or dispensed drugs in violation of a law,**~~  
9 ~~**regardless of whether there has been a criminal action;**~~

10 (6) adopt regulations requiring proof of continued competency before a  
11 license is renewed;

12 (7) as requested by the department, monitor the standards and  
13 availability of veterinary services provided in the state and report its findings to the  
14 department;

15 (8) collect, or cause to be collected, data concerning the practice of  
16 veterinary technology by veterinary technicians in the state and submit the data to the  
17 department for maintenance;

18 (9) establish, by regulation, educational and training requirements for

19 (A) the issuance of student permits; and

20 (B) the delegation of duties by veterinarians licensed under this  
21 chapter to veterinary technicians;

22 **(10) require that a licensee who has a federal Drug Enforcement**  
23 **Administration registration number register with the controlled substance**  
24 **prescription database under AS 17.30.200(o);**

25 **(11) identify resources and develop educational materials to assist**  
26 **licensees to identify an animal owner who may be at risk for abusing or misusing**  
27 **an opioid.**

28 \* **Sec. 2930.** AS ~~17.30.200(a)~~08.98.235 is amended to read:

29 **Sec. 08.98.235. Grounds for imposition of disciplinary sanctions. After a**  
30 **hearing, the board may impose a disciplinary sanction on a person licensed under this**  
31 **chapter when the board finds that the person**

1                   (1) secured a license through deceit, fraud, or intentional  
2 misrepresentation;

3                   (2) engaged in deceit, fraud, or intentional misrepresentation in the  
4 course of providing professional services or engaging in professional activities;

5                   (3) advertised professional services in a false or misleading manner;

6                   (4) has been convicted of a felony or other crime which affects the  
7 person's ability to continue to practice competently and safely;

8                   (5) intentionally or negligently engaged in or permitted the  
9 performance of animal care by the person's supervisees which does not conform to  
10 minimum professional standards regardless of whether actual injury to the animal  
11 occurred;

12                   (6) failed to comply with this chapter, with a regulation adopted under  
13 this chapter, or with an order of the board;

14                   (7) continued to practice after becoming unfit due to

15                               (A) professional incompetence;

16                               (B) addiction or severe dependency on alcohol or other drugs  
17 which impairs the person's ability to practice safely;

18                               (C) physical or mental disability;

19                   (8) engaged in lewd or immoral conduct in connection with the  
20 delivery of professional service;

21                   (9) procured, sold, prescribed, or dispensed drugs in violation of a  
22 law, regardless of whether there has been a criminal action.

23 \* Sec. 31. AS 13 is amended by adding a new chapter to read:

24                   **Chapter 55. Voluntary Nonopioid Directive Act.**

25                   **Sec. 13.55.010. Nonopioid directive; revocation; other requirements. (a)**

26 An individual who is 18 years of age or older may execute a voluntary nonopioid  
27 directive stating that an opioid may not be administered or prescribed to the  
28 individual. The directive must be in a format prescribed by the department and  
29 available in an electronic format.

30                   (b) The commissioner of health and social services shall adopt regulations to  
31 implement this chapter. The regulations must

1 (1) include verification by a health care provider and comply with the  
2 written consent requirements under 42 U.S.C. 290dd-2(b);

3 (2) provide standard procedures for an individual to submit a voluntary  
4 nonopioid directive to a health care provider or hospital;

5 (3) include appropriate exemptions for emergency medical personnel;

6 (4) ensure the confidentiality of a voluntary nonopioid directive;

7 (5) ensure exemptions for an opioid used for treatment of substance  
8 abuse or opioid dependence.

9 (c) An individual may revoke a voluntary nonopioid directive at any time in  
10 writing or orally. An individual's guardian, conservator, or other person appointed by  
11 the individual or a court to manage the individual's health care

12 (1) may revoke an individual's voluntary nonopioid directive at any  
13 time, in writing or orally;

14 (2) may not execute a voluntary nonopioid directive on behalf of the  
15 individual.

16 (d) An individual may submit a voluntary nonopioid directive to a health care  
17 provider or a hospital.

18 **Sec. 13.55.020. Obligations of health care providers and hospitals.** A health  
19 care provider, a hospital, or an employee of a health care provider or hospital may not  
20 be subject to disciplinary action by the health care provider's or the employee's  
21 professional licensing board or held civilly or criminally liable for failure to  
22 administer, prescribe, or dispense an opioid, or for inadvertent administration of an  
23 opioid, to an individual who has executed a voluntary nonopioid directive.

24 **Sec. 13.55.030. Prescriptions presumed valid.** A prescription presented to a  
25 pharmacy is presumed to be valid, and a pharmacist may not be subject to disciplinary  
26 action by the pharmacist's professional licensing board or held civilly or criminally  
27 liable for dispensing a controlled substance in contradiction to an individual's  
28 voluntary nonopioid directive.

29 **Sec. 13.55.040. Effect of this chapter.** Nothing in this chapter shall be  
30 construed to

31 (1) alter an advance health care directive under AS 13.52 (Health Care

1 Decisions Act);

2 (2) limit the prescribing, dispensing, or administering of an opioid  
3 overdose drug;

4 (3) limit an authorized health care provider or pharmacist from  
5 prescribing, dispensing, or administering an opioid for the treatment of substance  
6 abuse or opioid dependence.

7 Sec. 13.55.100. Definitions. In this chapter, unless the context otherwise  
8 requires,

9 (1) "department" means the Department of Health and Social Services;

10 (2) "health care provider" has the meaning given in AS 09.65.340;

11 (3) "hospital" has the meaning given in AS 13.52.268;

12 (4) "opioid" includes the opium and opiate substances and opium and  
13 opiate derivatives listed in AS 11.71.140;

14 (5) "opioid overdose drug" has the meaning given in AS 09.65.340.

15 Sec. 13.55.110. Short title. This chapter may be known as the Voluntary  
16 Nonopioid Directive Act.

17 \* Sec. 32. AS 17.30.200(a), as amended by sec. 21, ch. 25, SLA 2016, is amended to read:

18 (a) The controlled substance prescription database is established in the Board  
19 of Pharmacy. The purpose of the database is to contain data as described in this  
20 section regarding every prescription for a schedule ~~IA, II, III, IVA, or VA~~  
21 ~~controlled substance under state law or a schedule I, II, III, IV, or V~~II, III, or IV  
22 controlled substance under federal law dispensed in the state to a person other than  
23 those administered to a patient at a health care facility or a correctional facility;  
24 ~~except when prescribing opioids to an inmate at the time of the inmate's release.~~  
25 ~~The Department of Commerce, Community, and Economic Development shall assist~~  
26 ~~the board and provide necessary staff and equipment to implement this section.~~

27 \* Sec. 3033. AS 17.30.200(b), as amended by sec. 23, ch. 25, SLA 2016, is amended to  
28 read:

29 (b) The pharmacist-in-charge of each licensed or registered pharmacy,  
30 regarding each schedule II, III, or IV controlled substance under federal law dispensed  
31 by a pharmacist under the supervision of the pharmacist-in-charge, and each

1 practitioner who directly dispenses a schedule II, III, or IV controlled substance under  
2 federal law other than those administered to a patient at a health care **facility or a**  
3 **correctional facility**, ~~except when prescribing opioids to an inmate at the time of~~  
4 ~~the inmate's release~~, shall submit to the board, by a procedure and in a format  
5 established by the board, the following information for inclusion in the database on at  
6 least a ~~daily~~ [WEEKLY] weekly basis:

7 (1) the name of the prescribing practitioner and the practitioner's  
8 federal Drug Enforcement Administration registration number or other appropriate  
9 identifier;

10 (2) the date of the prescription;

11 (3) the date the prescription was filled and the method of payment; this  
12 paragraph does not authorize the board to include individual credit card or other  
13 account numbers in the database;

14 (4) the name, address, and date of birth of the person for whom the  
15 prescription was written;

16 (5) the name and national drug code of the controlled substance;

17 (6) the quantity and strength of the controlled substance dispensed;

18 (7) the name of the drug outlet dispensing the controlled substance;

19 and

20 (8) the name of the pharmacist or practitioner dispensing the controlled  
21 substance and other appropriate identifying information.

22 \* ~~Sec. 3134~~. AS 17.30.200(~~db~~), as amended by sec. ~~25, ch. 25, SLA 2016~~33 of this Act, is  
23 amended to read:

24 (b) The pharmacist-in-charge of each licensed or registered pharmacy,  
25 regarding each schedule II, III, or IV controlled substance under federal law dispensed  
26 by a pharmacist under the supervision of the pharmacist-in-charge, and each  
27 practitioner who directly dispenses a schedule II, III, or IV controlled substance under  
28 federal law other than those administered to a patient at a health care facility or a  
29 correctional facility, shall submit to the board, by a procedure and in a format  
30 established by the board, the following information for inclusion in the database on at  
31 least a **daily** [WEEKLY] basis:

1                   (1) the name of the prescribing practitioner and the practitioner's  
2 federal Drug Enforcement Administration registration number or other appropriate  
3 identifier;

4                   (2) the date of the prescription;

5                   (3) the date the prescription was filled and the method of payment; this  
6 paragraph does not authorize the board to include individual credit card or other  
7 account numbers in the database;

8                   (4) the name, address, and date of birth of the person for whom the  
9 prescription was written;

10                   (5) the name and national drug code of the controlled substance;

11                   (6) the quantity and strength of the controlled substance dispensed;

12                   (7) the name of the drug outlet dispensing the controlled substance;

13                   and

14                   (8) the name of the pharmacist or practitioner dispensing the controlled  
15 substance and other appropriate identifying information.

16                   \* Sec. 35. AS 17.30.200(d), as amended by sec. 25, ch. 25, SLA 2016, is amended to read:

17                   (d) The database and the information contained within the database are  
18 confidential, ~~and~~ are not public records, **and** are not subject to public disclosure [,  
19 AND MAY NOT BE SHARED WITH THE FEDERAL GOVERNMENT]. The  
20 board shall undertake to ensure the security and confidentiality of the database and the  
21 information contained within the database. The board may allow access to the  
22 database only to the following persons, and in accordance with the limitations  
23 provided and regulations of the board:

24                   (1) personnel of the board regarding inquiries concerning licensees or  
25 registrants of the board or personnel of another board or agency concerning a  
26 practitioner under a search warrant, subpoena, or order issued by an administrative law  
27 judge or a court;

28                   (2) authorized board personnel or contractors as required for  
29 operational and review purposes;

30                   (3) a licensed practitioner having authority to prescribe controlled  
31 substances or an agent or employee of the practitioner whom the practitioner has



1 authorized to access the database on the practitioner's behalf, to the extent the  
2 information relates specifically to a current patient of the practitioner to whom the  
3 practitioner is prescribing or considering prescribing a controlled substance; the agent  
4 or employee must be licensed or registered under AS 08;

5 (4) a licensed or registered pharmacist having authority to dispense  
6 controlled substances or an agent or employee of the pharmacist whom the pharmacist  
7 has authorized to access the database on the pharmacist's behalf, to the extent the  
8 information relates specifically to a current patient to whom the pharmacist is  
9 dispensing or considering dispensing a controlled substance; the agent or employee  
10 must be licensed or registered under AS 08;

11 (5) **federal**, state, and local law enforcement authorities may receive  
12 printouts of information contained in the database under a search warrant, ~~subpoena,~~  
13 or order issued by a court establishing probable cause for the access and use of the  
14 information;

15 (6) an individual who is the recipient of a controlled substance  
16 prescription entered into the database may receive information contained in the  
17 database concerning the individual on providing evidence satisfactory to the board that  
18 the individual requesting the information is in fact the person about whom the data  
19 entry was made and on payment of a fee set by the board under AS 37.10.050 that  
20 does not exceed \$10;

21 (7) a licensed pharmacist employed by the Department of Health and  
22 Social Services who is responsible for administering prescription drug coverage for  
23 the medical assistance program under AS 47.07, to the extent that the information  
24 relates specifically to prescription drug coverage under the program;

25 (8) a licensed pharmacist, licensed practitioner, or authorized  
26 employee of the Department of Health and Social Services responsible for utilization  
27 review of prescription drugs for the medical assistance program under AS 47.07, to the  
28 extent that the information relates specifically to utilization review of prescription  
29 drugs provided to recipients of medical assistance;

30 (9) the state medical examiner, to the extent that the information  
31 relates specifically to investigating the cause and manner of a person's death;

1 (10) an authorized employee of the Department of Health and Social  
2 Services may receive information from the database that does not disclose the identity  
3 of a patient, prescriber, dispenser, or dispenser location, for the purpose of identifying  
4 and monitoring public health issues in the state; however, the information provided  
5 under this paragraph may include the region of the state in which a patient, prescriber,  
6 and dispenser are located and the specialty of the prescriber; and

7 (11) a practitioner, pharmacist, or clinical staff employed by an Alaska  
8 tribal health organization, including commissioned corps officers of the United States  
9 Public Health Service employed under a memorandum of agreement; in this  
10 paragraph, "Alaska tribal health organization" has the meaning given to "tribal health  
11 program" in 25 U.S.C. 1603.

12 \* **Sec. 3236.** AS 17.30.200(e), as ~~enacted~~amended by sec. 27, ch. 25, SLA 2016, is  
13 amended to read:

14 (e) The failure of a pharmacist-in-charge, or a [,] pharmacist, ~~or practitioner [,]~~  
15 OR PRACTITIONER] to register, ~~review the database~~ or submit information to the  
16 database as required under this section is grounds for the board to take disciplinary  
17 action against the license or registration of the pharmacy or pharmacist. The failure of  
18 a practitioner to register or review the database as required under this section is  
19 grounds for another the practitioner's [OR FOR ANOTHER] licensing board to take  
20 disciplinary action against ~~the [A]~~ the [A] practitioner.

21 \* **Sec. 3337.** AS 17.30.200(p), ~~as~~-enacted by sec. 34, ch. 25, SLA 2016, is amended to read:

22 (p) The board shall promptly notify the State Medical Board, the Board of  
23 Nursing, the Board of Dental Examiners, [AND] the Board of Examiners in  
24 Optometry, and the Board of Veterinary Examiners when a practitioner registers  
25 with the database under (o) of this section.

26 \* **Sec. 3438.** AS 17.30.200(q), ~~as~~-enacted by sec. 34, ch. 25, SLA 2016, is amended to read:

27 (q) The board is authorized to provide unsolicited notification to a pharmacist,  
28 ~~to a practitioner's licensing board,~~ or practitioner if a patient has received one or  
29 more prescriptions for controlled substances in quantities or with a frequency  
30 inconsistent with generally recognized standards of safe practice. An unsolicited  
31 notification to a practitioner's licensing board under this section

- 1                   **(1) ~~also~~ must be provided to the practitioner;**
- 2                   **(2) is confidential;**
- 3                   **(3) may not disclose information ~~that is confidential under this~~**
- 4                   **section;**
- 5                   **(4) may be in a summary form sufficient to provide notice of the**
- 6                   **basis for the unsolicited notification.**

7 \* **Sec. ~~3539~~**. AS 17.30.200(r), ~~as~~-enacted by sec. 34, ch. 25, SLA 2016, is amended to read:  
 8                   (r) The board shall update the database on at least a **daily** [WEEKLY] basis  
 9                   with the information submitted to the board under (b) of this section.

10 \* **Sec. ~~3640~~**. AS 17.30.200(n) is amended by adding a new ~~subsections~~ paragraph to read:  
 11                   (5) "opioid" includes the opium and opiate substances and opium and  
 12                   opiate derivatives listed in AS 11.71.140.

13 \* **Sec. 41**. AS 17.30.200 is amended by adding a new subsection to read:  
 14                   (t) Notwithstanding (q) of this section, the board may issue to a practitioner  
 15                   periodic unsolicited reports that detail and compare the practitioner's opioid  
 16                   prescribing practice with other practitioners of the same occupation and similar  
 17                   specialty. A report issued under this subsection is confidential and the board shall ~~be~~  
 18                   ~~issued~~issue the report only to a practitioner. The board may adopt regulations to  
 19                   implement this subsection; The regulations may address the types of controlled  
 20                   substances to be included in an unsolicited report, the quantities dispensed, the  
 21                   medication strength, and other factors determined by the board.

22                   ~~(u) In this section, "opioid" includes the opium and opiate substances and~~  
 23                   ~~opium and opiate derivatives listed in AS 11.71.140.~~

24 \* **Sec. ~~3742~~**. AS 18.05.040(a) is amended to read:  
 25                   (a) The commissioner shall adopt regulations consistent with existing law for  
 26                   (1) the time, manner, information to be reported, and persons  
 27                   responsible for reporting for each disease or other condition of public health  
 28                   importance on the list developed under AS 18.15.370;  
 29                   (2) cooperation with local boards of health and health officers;  
 30                   (3) protection and promotion of the public health and prevention of  
 31                   disability and mortality;

1 (4) the transportation of dead bodies, except that the commissioner  
2 may not require that a dead body be embalmed unless the body is known to carry a  
3 communicable disease or embalment is otherwise required for the protection of the  
4 public health or for compliance with federal law;

5 (5) carrying out the purposes of this chapter;

6 (6) the conduct of its business and for carrying out the provisions of  
7 laws of the United States and the state relating to public health;

8 (7) establishing the divisions and local offices and advisory groups  
9 necessary or considered expedient to carry out or assist in carrying out a duty or power  
10 assigned to it;

11 (8) the voluntary certification of laboratories to perform diagnostic,  
12 quality control, or enforcement analyses or examinations based on recognized or  
13 tentative standards of performance relating to analysis and examination of food,  
14 including seafood, milk, water, and specimens from human beings submitted by  
15 licensed physicians and nurses for analysis;

16 (9) the regulation of quality and purity of commercially compressed  
17 oxygen sold for human respiration;

18 (10) establishing confidentiality and security standards for information  
19 and records received under AS 18.15.355 - 18.15.395;

20 **(11) implementation of AS 13.55 (Voluntary Nonopioid Directive**  
21 **Act).**

22 \* **Sec. 3843.** Sections 22, 24, 26, 28, 30, 32, 52, and 73, ch. 25, SLA 2016, are repealed.

23 \* **Sec. 3944.** The uncodified law of the State of Alaska is amended by adding a new section  
24 to read:

25 TRANSITION: REGULATIONS. (a) The Department of Health and Social Services  
26 ~~and the Department of Commerce, Community, and Economic Development~~ may adopt  
27 regulations necessary to implement the changes made by secs. 31 and 42 of this Act. The  
28 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the  
29 effective date of the relevant provision of this Act implemented by the regulation.

30 (b) The Department of Commerce, Community, and Economic Development and ~~the~~a  
31 board that regulates an occupation that includes a practitioner ~~who is~~ required to register with

1 the controlled substance prescription database under AS 17.30.200 shall adopt regulations to  
2 implement the changes made by AS ~~08.98.050(a)~~17.30.200(b), as amended by sec. ~~28~~34 of  
3 this Act, and AS 17.30.200(r), as amended by sec. 39 of this Act. The regulations take effect  
4 under AS 44.62 (Administrative Procedure Act), but not before the effective date of ~~sec. 28 of~~  
5 ~~this Act.~~the relevant provision of secs. 34 and 39 of this Act implemented by the regulation.

6 In this subsection,

7 (1) "board" has the meaning given in AS 08.01.110;

8 (2) "occupation" has the meaning given in AS 08.01.110;

9 (3) "practitioner" has the meaning given in AS 11.71.900.

10 (c) The Board of Dental Examiners may adopt regulations necessary to implement the  
11 changes made by secs. 1 and 2 of this Act. The regulations take effect under AS 44.62  
12 (Administrative Procedure Act), but not before the effective date of the relevant provision of  
13 secs. 1 and 2 of this Act implemented by the regulation.

14 (d) The State Medical Board may adopt regulations necessary to implement the  
15 changes made by secs. 6 - 13 of this Act. The regulations take effect under AS 44.62  
16 (Administrative Procedure Act), but not before the effective date of the relevant provision of  
17 secs. 6 - 13 of this Act implemented by the regulation.

18 (e) The Board of Nursing may adopt regulations necessary to implement the changes  
19 made by secs. 18 and 20 of this Act. The regulations take effect under AS 44.62  
20 (Administrative Procedure Act), but not before the effective date of the relevant provision of  
21 secs. 18 and 20 of this Act implemented by the regulation.

22 (f) The Board of Examiners in Optometry may adopt regulations necessary to  
23 implement the changes made by secs. 23 - 25 of this Act. The regulations take effect under  
24 AS 44.62 (Administrative Procedure Act), but not before the effective date of the relevant  
25 provision of secs. 23 - 25 of this Act implemented by the regulation.

26 \* ~~Sec. 40.~~~~This~~45. Section 27 of this Act takes effect on the effective date of sec. 12, ch. 25,  
27 SLA 2016.

28 \* ~~Sec. 46.~~ Section 32 of this Act takes effect on the effective date of sec. 21, ch. 25, SLA  
29 2016.

30 \* ~~Sec. 47.~~ Section 33 of this Act takes effect on the effective date of sec. 23, ch. 25, SLA  
31 2016.

1 \* Sec. 48. Section 35 of this Act takes effect on the effective date of sec. 25, ch. 25, SLA  
2 2016.

3 \* Sec. 49. Section 36 of this Act takes effect on the effective date of sec. 27, ch. 25, SLA  
4 2016.

5 \* Sec. 50. Sections 37 and 38 of this Act take effect on the effective date of sec. 34, ch. 25,  
6 SLA 2016.

7 \* Sec. 51. Section 1, 2, 6 - 13, 18, 20, 23 - 25, 34, and 39 of this Act take effect July 1,  
8 2018.

9 \* Sec. 52. Sections 31 and 42 of this Act take effect July 1, 2019.

10 \* Sec. 53. Except as provided in secs. 45 - 52 of this Act, this Act takes effect immediately  
11 under AS 01.10.070(c).