

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

Memorandum

Explanation of Changes: CS SS HB 268
(Version N to Version E)

CSSS HB 268(HSS): An Act relating to the prescription of opioids; relating to the practice of dentistry; relating to the practice of medicine; relating to the practice of podiatry; relating to the practice of osteopathy; relating to the practice of nursing; and relating to the practice of optometry; and providing for an effective date."

Removed HSS committee sponsorship. Removed "By the House Health and Social Services Committee" from top of bill. The CS is now sponsor blank.

Removed "Department of Health and Social Services" from the title.

Inserted "and providing for an effective date" to the end of the title language.

Removed short title "This Act may be known as the Consumer Advisory on Potential Heroin Addiction from Opioid Use Act.". The bill no longer requires any information be provided on the potential link between opioid abuse and Heroin use.

Section 2. Legislative Findings from version N now becomes Section 1 in version E.

Removed all language from version N Section 3. Listing the grounds for discipline, suspension, or revocation of a dentist's license by the board if a dentist is found to have violated certain provisions of AS 08.36.315, including an added provision stating that a dentist could be disciplined if they "habitually and without good cause failed to provide oral and written information on opioids under AS 08.36.357 before initially prescribing an outpatient supply of an opioid to patients."

Inserted new language for Section 2 stating that AS 08.36 070 (a) is amended to read that "The board shall" do various things including "hold hearing and order the disciplinary sanction of a person who violates this chapter, AS 08.32, or a regulation of the board" and make sure that prescriber licensure depends on compliance with the provisions in this section including a new one:

Inserted all new language under Section 2. (11) stating that the board shall "adopt regulations requiring a licensee to advise patients, using oral and written information, before prescribing an opioid, of the potential dangers of opioid addiction, and alternatives to the opioid prescription the provider considers reasonable; the board may determine which classes of patients may be reasonably exempted from the information requirement and may allow an exemption from the requirement for violation the board considers to be unintentional, periodic accidental violations, and for good cause, including when a licensee needs to attend to the perceived immediate health care of another patient." This was repeated for all prescribing professions and boards.

This language was added after removal of former provision in version N of the bill, first found in the former Section 4., requiring that dentists (applied in subsequent sections to all other prescribers)

provide oral and written information about the health risks of opioid medication and mention reasonable alternatives to opioid medication therapy, before prescribing an outpatient supply of an opioid to a patient. It also gave grounds for discipline, suspension, or revocation of license if a prescriber “habitually and without good cause” failed to provide the information. The bill has been changed in these sections to transfer the power to develop and implement these regulations to the state boards. It now includes language that says the various state boards (the state Board of Dental examiners, the State Medical Board, the Board of Nursing, and the Board of Examiners in Optometry) will be required to adopt regulations that require prescribers to provide this same oral and written information as in earlier versions of the bill, allow the boards to determine which patients may be reasonably exempted, and what they consider to “unintentional, periodic, accidental violations” of these new regulations.

In version E, language was inserted into a new Section 6. requiring the Department of Health and Social Services to provide access “to a printable version of a written statement, which may include graphics, that provides easily understandable information on opioids, including the potentially addictive and harmful qualities of opioids” on their internet website. This is meant to assist prescribers in complying with the patient information regulations the bill requires the boards to adopt.

Section 7., version E, now contains a provision that allows the Department of Health and Social Services to begin developing materials for the website immediately after the bill is signed into law but does not require them to post them online until the normal effective date of the bill. It also allows the state Board of Dental examiners, the State Medical Board, the Board of Nursing, and the Board of Examiners in Optometry to begin developing their new regulations immediately after the bill is signed but says that they are not required to enact them until February 1, 2019.