

## House Bill 159 Sectional Analysis

Prepared by the Alaska Department of Health and Social Services

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### HB 159, "Opioids; Prescriptions; Database; Licenses"

#### Sectional Analysis:

**Sec. 1** Adds a new Chapter 55, *Voluntary Nonopioid Directive Act*, to AS 13, *Decedents' estates, guardianships, transfers, trusts, and health care decisions*, that provides an option for patients to execute a Voluntary Nonopioid Directive that would allow a person in recovery (or for other reasons) to make clear the person's desire not to be administered an opioid. A person, guardian, conservator or other appointed person may revoke a directive at any time. The person would provide this confidential information to a health care provider or hospital on a form provided by the Department of Health of Social Services. The department would promulgate regulations on procedures, confidentiality, and exemptions for emergency or substance misuse treatment. Providers are not liable for following a directive. Prescriptions are assumed to be valid; pharmacists are not liable for dispensing a controlled substance in contradiction to a directive. The directive does not alter an advance health care directive, limit opioid overdose drugs, or limit treatment for substance abuse or opioid dependence.

**Sec. 2-25** Amend AS 08, *Business and Professions*, for the Boards of Dentistry, Medicine, Nursing, and Optometry to

- Require two (2) hours of pain management and opioid misuse and addiction instruction;
- Disciplinary actions for prescribing or dispensing an opioid in excess of the maximum dosage allowed by law or violated a law related to drugs, regardless of any criminal action;
- Set the maximum dosage for initial opioid prescriptions at a seven-day supply unless, in the practitioner's professional judgment, it is necessary for chronic pain management or a patient is unable to access a practitioner in time to refill the prescription; and
- Require, for a minor under 18 years of age, the practitioner discuss with the parent or guardian why the prescription is necessary and the risks associated with opioid use.

**Sec. 26-27** Amend AS 08.80 for the Board of Pharmacy to

- Register with the Prescription Drug Monitoring Database (PDMP) with or without a federal Drug Enforcement Administration registration number; and
- Allow pharmacists to dispense less than the prescribed amount of a schedule II or III controlled substance at a person's request; the pharmacists would inform the prescribing practitioner and the Prescription Drug Monitoring Database.

**Sec. 28** Amends AS 08.98 for the Board of Veterinary Medicine to

- Register with the Prescription Drug Monitoring Database if the veterinarian has a federal Drug Enforcement Administration number; and
- Identify resources and educational materials for veterinarians to identify clients at risk for opioid misuse or diversion of prescribed opioids.

**Sec. 29-36** Amend AS 17.30, *Controlled Substances*, to change the frequency pharmacists report to the Prescription Drug Monitoring Database from weekly to daily; remove the prohibition on sharing information with the federal government. The pharmacy board may provide a confidential unsolicited notification in summary form to a practitioner's licensing board which includes the basis for the notification. The notification must be provided to the practitioner as well.

**Sec. 37** Directs the Department of Health and Social Services to draft regulations to implement the Voluntary Nonopioid Directive Act.

**Sec. 38** Repeals sunset dates in sections 52 and 73 of Ch. 25, SLA 2016 (SB 74).

**Sec. 39-40** Set an immediate effective date and provide an effective date for regulations.