

SENATE CS FOR CS FOR HOUSE BILL NO. 159(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SPECIAL SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/31/17

Referred: Today's Calendar

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

A BILL

FOR AN ACT ENTITLED

"An Act relating to the prescription of opioids; relating to voluntary nonopioid directives; relating to the controlled substance prescription database; relating to the practice of dentistry; relating to the practice of pharmacy; relating to the practice of medicine; relating to the practice of podiatry; relating to the practice of osteopathy; relating to the practice of nursing; relating to the practice of optometry; relating to the practice of veterinary medicine; relating to the duties of the Board of Pharmacy; relating to pharmacists; relating to the definition of 'practitioner'; providing for an effective date by repealing the effective date of sec. 73, ch. 25, SLA 2016; and providing for an effective date."

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

*** Section 1.** The uncoded law of the State of Alaska is amended by adding a new section to read:

1 LEGISLATIVE INTENT. It is the intent of the legislature that the seven-day supply
 2 limit for an initial opioid prescription under secs. 5, 16, 22, and 33 of this Act and the four-
 3 day supply limit for an initial opioid prescription under sec. 28 of this Act may not be
 4 considered as a minimum length of time appropriate for an initial prescription. The United
 5 States Centers for Disease Control and Prevention guidelines state that a three-day initial
 6 prescription of an opioid is sufficient for most cases of acute pain. The United States Centers
 7 for Disease Control and Prevention reported in its March 17, 2017, weekly report that the
 8 likelihood of a person's chronic opioid use increases with each additional day of medication
 9 supplied after the second day. Practitioners should use their professional judgment in each
 10 case and not interpret the seven-day limit as a direction to prescribe the full seven days or the
 11 four-day limit as a direction to prescribe the full four days.

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

13 (a) The board shall

14 (1) provide for the examination of applicants and the credentialing,
 15 registration, and licensure of those applicants it finds qualified;

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

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

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

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

24 (6) enforce the provisions of this chapter and AS 08.32 and adopt or
 25 amend the regulations necessary to make the provisions of this chapter and AS 08.32
 26 effective;

27 (7) adopt regulations ensuring that renewal of a license, registration, or
 28 certificate under this chapter or a license, certificate, or endorsement under AS 08.32
 29 is contingent on [UPON] proof of continued professional competence; the
 30 regulations must require that a licensee receive not less than two hours of
 31 education in pain management and opioid use and addiction in the two years

preceding an application for renewal of a license, unless the licensee has demonstrated to the satisfaction of the board that the licensee does not currently hold a valid federal Drug Enforcement Administration registration number;

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

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

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

* **Sec. 3.** AS 08.36.110(a) is amended to read:

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

(1) provide certification to the board that the applicant

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

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

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

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

(E) is not the subject of an unresolved or an adverse decision based **on** [UPON] a complaint, investigation, review procedure, or other disciplinary proceeding, undertaken by a state, territorial, local, or federal dental licensing jurisdiction or law enforcement agency that relates to criminal or fraudulent activity, dental malpractice, or negligent dental care and that

adversely reflects on the applicant's ability or competence to practice dentistry or on the safety or well-being of patients;

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

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

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

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

(3) meet the other qualifications for a license established by the board by regulation, including education in pain management and opioid use and addiction in the two years preceding the application for a license, unless the applicant has demonstrated to the satisfaction of the board that the applicant does not currently hold a valid federal Drug Enforcement Administration registration number; approved education may include dental school coursework.

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

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

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

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

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

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

(4) received compensation for referring a person to another dentist or

1 dental practice;

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

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

7 (A) that did not conform to minimum professional standards of
8 dentistry; or

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

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

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

15 (A) professional incompetence;

16 (B) addiction or dependence on alcohol or other drugs that
17 impair the dentist's ability to practice safely;

18 (C) physical or mental disability;

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

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

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

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

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

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

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

3 * **Sec. 5.** AS 08.36 is amended by adding a new section to read:

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

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

8 (2) a prescription for an opioid that exceeds a seven-day supply to a
 9 minor; at the time a licensee writes a prescription for an opioid for a minor, the
 10 licensee shall discuss with the parent or guardian of the minor why the prescription is
 11 necessary and the risks associated with opioid use.

12 (b) Notwithstanding (a) of this section, a licensee may issue a prescription for
 13 an opioid that exceeds a seven-day supply to an adult or minor patient if, in the
 14 professional judgment of the licensee, more than a seven-day supply of an opioid is
 15 necessary for

16 (1) the patient's chronic pain management; the licensee may write a
 17 prescription for an opioid for the quantity needed to treat the patient's medical
 18 condition or chronic pain; the licensee shall document in the patient's medical record
 19 the condition triggering the prescription of an opioid in a quantity that exceeds a
 20 seven-day supply and indicate that a nonopioid alternative was not appropriate to
 21 address the medical condition; or

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

30 (c) In this section,

31 (1) "adult" means

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

(B) an emancipated minor;

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

(3) "minor" means an individual under 18 years of age who is not an emancipated minor.

* **Sec. 6.** AS 08.36.370 is amended by adding a new paragraph to read:

(10) "opioid" includes the opium and opiate substances and opium and opiate derivatives listed in AS 11.71.140 and 11.71.160.

* **Sec. 7.** AS 08.64.107 is amended to read:

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

(1) educational and other qualifications, including education in pain 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. 8.** 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

1 the first year of internship or residency; and

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

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

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

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

19 * **Sec. 9.** AS 08.64.205 is amended to read:

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

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

25 (2) submit a certificate from a hospital approved by the American
26 Medical Association or the American Osteopathic Association that certifies that the
27 osteopath has satisfactorily completed and performed the duties of intern or resident
28 physician for

29 (A) one year if the applicant graduated from a school of
30 osteopathy before January 1, 1995, as evidenced by a certificate of completion
31 of the first year of postgraduate training from the facility where the applicant

1 completed the first year of internship or residency; or

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

8 (3) take the examination required by AS 08.64.210 or be certified to
9 practice by the National Board of Examiners for Osteopathic Physicians and Surgeons
10 **or by the National Board of Osteopathic Medical Examiners;**

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

16 * Sec. 10. AS 08.64.209(a) is amended to read:

17 (a) Each applicant who desires to practice podiatry shall meet the
18 qualifications prescribed in **AS 08.64.200(a)(3) - (5)** [AS 08.64.200(a)(3) AND (4)]
19 and shall

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

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

26 (3) **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 **(4)** meet other qualifications of experience or education which the

board may require.

* **Sec. 11.** AS 08.64.225(a) is amended to read:

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

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

(2) have successfully completed

(A) three years of postgraduate training 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 two additional years of postgraduate training at a recognized hospital; or

(B) other requirements establishing proof of competency and professional qualifications as the board considers necessary to ensure the continued protection of the public adopted at the discretion of the board by regulation, including 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 Administration registration number; an applicant may include past professional experience or professional education as proof of professional competence; and

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

* **Sec. 12.** AS 08.64.250 is amended to read:

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

(1) an active license from a board of medical examiners established under the laws of a state or territory of the United States or a province or territory of

1 Canada issued after thorough examination; or

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

3 * **Sec. 13.** AS 08.64.250 is amended by adding a new subsection to read:

4 (b) The board shall adopt regulations under (a) of this section that require an
5 applicant demonstrate professional competence in pain management and addiction
6 disorders. An applicant may include past professional experience or professional
7 education as proof of professional competence.

8 * **Sec. 14.** AS 08.64.312 is amended to read:

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

13 (b) Before a license may be renewed, the licensee shall submit evidence to the
14 board or its designee that continuing education requirements prescribed by regulations
15 adopted by the board have been met. Continuing education requirements must
16 include not less than two hours of education in pain management and opioid use
17 and addiction in the two years preceding an application for renewal of a license,
18 unless the licensee demonstrates to the satisfaction of the board that the licensee's
19 practice does not include pain management and opioid treatment or prescribing.

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

31 * **Sec. 15.** AS 08.64.326(a) is amended to read:

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

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

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

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

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

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

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

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

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

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

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

26 (8) has demonstrated

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

31 (B) addiction to, severe dependency on, or habitual overuse of

1 alcohol or other drugs that impairs the licensee's ability to practice safely;

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

3 (9) engaged in unprofessional conduct, in sexual misconduct, or in
4 lewd or immoral conduct in connection with the delivery of professional services to
5 patients; in this paragraph, "sexual misconduct" includes sexual contact, as defined by
6 the board in regulations adopted under this chapter, or attempted sexual contact with a
7 patient outside the scope of generally accepted methods of examination or treatment of
8 the patient, regardless of the patient's consent or lack of consent, during the term of the
9 physician-patient relationship, as defined by the board in regulations adopted under
10 this chapter, unless the patient was the licensee's spouse at the time of the contact or,
11 immediately preceding the physician-patient relationship, was in a dating, courtship,
12 or engagement relationship with the licensee;

13 (10) has violated AS 18.16.010;

14 (11) has violated any code of ethics adopted by regulation by the
15 board;

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

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

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

27 * **Sec. 16.** AS 08.64 is amended by adding a new section to article 3 to read:

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

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

1 (2) a prescription for an opioid that exceeds a seven-day supply to a
2 minor; at the time a licensee writes a prescription for an opioid for a minor, the
3 licensee shall discuss with the parent or guardian of the minor why the prescription is
4 necessary and the risks associated with opioid use.

5 (b) Notwithstanding (a) of this section, a licensee may issue a prescription for
6 an opioid that exceeds a seven-day supply to an adult or minor patient if, in the
7 professional medical judgment of the licensee, more than a seven-day supply of an
8 opioid is necessary for

9 (1) the patient's acute medical condition, chronic pain management,
10 pain associated with cancer, or pain experienced while the patient is in palliative care;
11 the licensee may write a prescription for an opioid for the quantity needed to treat the
12 patient's medical condition, chronic pain, pain associated with cancer, or pain
13 experienced while the patient is in palliative care; the licensee shall document in the
14 patient's medical record the condition triggering the prescription of an opioid in a
15 quantity that exceeds a seven-day supply and indicate that a nonopioid alternative was
16 not appropriate to address the medical condition;

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

25 (3) the treatment of a patient's substance abuse or opioid dependence;
26 the licensee may write a prescription for an opioid approved for the treatment of
27 substance abuse or opioid dependence for the quantity needed to treat the patient's
28 substance abuse or opioid dependence; the licensee shall document in the patient's
29 medical record the reason for the prescription of an opioid approved for the treatment
30 of substance abuse or opioid dependence in a quantity that exceeds a seven-day supply
31 and indicate that a nonopioid alternative was not appropriate for the treatment of

1 substance abuse or opioid dependence.

2 (c) In this section,

3 (1) "adult" means

4 (A) an individual who has reached 18 years of age; or

5 (B) an emancipated minor;

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

8 (3) "minor" means a individual under 18 years of age who is not an
9 emancipated minor.

10 * **Sec. 17.** AS 08.64.364(c) is amended to read:

11 (c) The board may not impose disciplinary sanctions on a physician for
12 prescribing, dispensing, or administering a prescription drug that is a controlled
13 substance or botulinum toxin if the requirements under (a) of this section **and**
14 **AS 08.64.363** are met and the physician prescribes, dispenses, or administers the
15 controlled substance or botulinum toxin when an appropriate licensed health care
16 provider is present with the patient to assist the physician with examination, diagnosis,
17 and treatment.

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

19 (7) "opioid" includes the opium and opiate substances and opium and
20 opiate derivatives listed in AS 11.71.140 and 11.71.160.

21 * **Sec. 19.** AS 08.68.100(a), as amended by sec. 10, ch. 25, SLA 2016, is amended to read:

22 (a) The board shall

23 (1) adopt regulations necessary to implement this chapter, including
24 regulations

25 (A) pertaining to practice as an advanced practice registered
26 nurse, including requirements for an advanced practice registered nurse to
27 practice as a certified registered nurse anesthetist, certified clinical nurse
28 specialist, certified nurse practitioner, or certified nurse midwife; **regulations**
29 **for an advanced practice registered nurse who holds a valid federal Drug**
30 **Enforcement Administration registration number must address training**
31 **in pain management and opioid use and addiction;**

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

(C) pertaining to retired nurse status; and

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

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

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

(4) approve education programs that meet the requirements of this chapter and of the board, and deny, revoke, or suspend approval of education programs for failure to meet the requirements;

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

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

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

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

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

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

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

* **Sec. 20.** AS 08.68.270 is amended to read:

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

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

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

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

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

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

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

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

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

(9) is professionally incompetent;

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

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

(12) has procured, sold, prescribed, or dispensed drugs in violation

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

3 * **Sec. 21.** AS 08.68.276 is amended to read:

4 **Sec. 08.68.276. Continuing competence required.** A license to practice
 5 nursing may not be renewed unless the nurse has complied with continuing
 6 competence requirements established by the board by regulation. **The board shall**
 7 **adopt regulations for renewal of a license of an advanced practice registered**
 8 **nurse. The regulations must require that a licensee receive not less than two**
 9 **hours of education in pain management and opioid use and addiction in the two**
 10 **years preceding an application for renewal of a license unless the licensee has**
 11 **demonstrated to the satisfaction of the board that the licensee does not currently**
 12 **hold a valid federal Drug Enforcement Administration registration number.**

13 * **Sec. 22.** AS 08.68 is amended by adding a new section to article 6 to read:

14 **Sec. 08.68.705. Maximum dosage for opioid prescriptions.** (a) An advanced
 15 practice registered nurse may not issue

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

18 (2) a prescription for an opioid that exceeds a seven-day supply to a
 19 minor; at the time an advanced practice registered nurse writes a prescription for an
 20 opioid for a minor, the advanced practice registered nurse shall discuss with the parent
 21 or guardian of the minor why the prescription is necessary and the risks associated
 22 with opioid use.

23 (b) Notwithstanding (a) of this section, an advanced practice registered nurse
 24 may issue a prescription for an opioid that exceeds a seven-day supply to an adult or
 25 minor patient if, in the professional judgment of the advanced practice registered
 26 nurse, more than a seven-day supply of an opioid is necessary for

27 (1) the patient's acute medical condition, chronic pain management,
 28 pain associated with cancer, or pain experienced while the patient is in palliative care;
 29 the advanced practice registered nurse may write a prescription for an opioid for the
 30 quantity needed to treat the patient's medical condition, chronic pain, pain associated
 31 with cancer, or pain experienced while the patient is in palliative care; the advanced

1 practice registered nurse shall document in the patient's medical record the condition
 2 triggering the prescription of an opioid in a quantity that exceeds a seven-day supply
 3 and indicate that a nonopioid alternative was not appropriate to address the medical
 4 condition; or

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

14 (c) This section does not authorize an advanced practice registered nurse to
 15 prescribe a controlled substance if the advanced practice registered nurse is not
 16 otherwise authorized to prescribe a controlled substance under policies, procedures, or
 17 regulations issued or adopted by the board.

18 (d) In this section,

19 (1) "adult" means

20 (A) an individual who has reached 18 years of age; or

21 (B) an emancipated minor;

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

24 (3) "minor" means an individual under 18 years of age who is not an
 25 emancipated minor.

26 * **Sec. 23.** AS 08.68.850 is amended by adding a new paragraph to read:

27 (12) "opioid" includes the opium and opiate substances and opium and
 28 opiate derivatives listed in AS 11.71.140 and 11.71.160.

29 * **Sec. 24.** AS 08.72.140 is amended to read:

30 **Sec. 08.72.140. Qualifications for licensure.** An applicant for licensure as an
 31 optometrist

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

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

6 (3) may not have been disciplined by an optometry licensing entity in
7 another jurisdiction and may not be the subject of a pending disciplinary proceeding
8 conducted by an optometry licensing entity in another jurisdiction; however, the board
9 may consider the disciplinary action and, in the board's discretion, determine if the
10 person is qualified for licensure;

11 (4) shall have successfully completed

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

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

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

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

28 * Sec. 25. AS 08.72.170 is amended to read:

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

31 (1) is a graduate of a school or college of optometry recognized by the

board;

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

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

(4) at some time in the past, received a license to practice optometry from another state or territory of the United States or from a province of Canada that required the person to have passed the National Board of Examiners in Optometry examination to qualify for licensure;

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

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

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

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

* Sec. 26. AS 08.72.181(d) is amended to read:

(d) Before a license may be renewed, the licensee shall submit to the board

evidence that,

(1) in the four years preceding the application for renewal, the licensee has [(1)] completed [EIGHT HOURS OF] continuing education **requirements prescribed** [, APPROVED] by the board **by regulation** [,] concerning

(A) the use and prescription of pharmaceutical agents;

(B) [(2) COMPLETED SEVEN HOURS OF CONTINUING EDUCATION, APPROVED BY THE BOARD, CONCERNING] the injection of nontopical therapeutic pharmaceutical agents; and

(C) [(3) MET] other continuing education requirements as may be **necessary** [PRESCRIBED BY REGULATIONS OF THE BOARD] to ensure the continued protection of the public; **and**

(2) in the two years preceding the application for renewal, the licensee has completed at least two hours of education in pain management and opioid use and addiction, unless the applicant demonstrates to the satisfaction of the board that the applicant does not currently hold a valid federal Drug Enforcement Administration registration number.

* Sec. 27. AS 08.72.240 is amended to read:

Sec. 08.72.240. Grounds for imposition of disciplinary sanctions. The board may impose disciplinary sanctions when 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 in the course of providing professional services or engaging in professional activities;

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

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

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

(6) failed to comply with this chapter, with a regulation adopted under

1 this chapter, or with an order of the board;

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

3 (A) professional incompetence;

4 (B) failure to keep informed of or use current professional
5 theories or practices;

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

8 (D) physical or mental disability;

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

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

13 **(10) prescribed or dispensed an opioid in excess of the maximum**
14 **dosage authorized under AS 08.72.276;**

15 **(11) 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.**

18 * **Sec. 28.** AS 08.72 is amended by adding a new section to read:

19 **Sec. 08.72.276. Maximum dosage for opioid prescriptions.** (a) A licensee
20 may not issue

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

23 (2) a prescription for an opioid that exceeds a four-day supply to a
24 minor; upon issuance of a prescription for an opioid to a minor, the licensee shall
25 discuss with the parent or guardian of the minor why the prescription is necessary and
26 the risks associated with opioid use.

27 (b) Notwithstanding (a) of this section, a licensee may issue a prescription for
28 an opioid that exceeds a four-day supply to an adult or minor patient if the licensee
29 determines that more than a four-day supply of an opioid is necessary

30 (1) to treat the patient's medical condition or for chronic pain
31 management; the licensee may write a prescription for an opioid for the quantity

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

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

13 * **Sec. 29.** AS 08.80.030(b), as amended by sec. 12, ch. 25, SLA 2016, is amended to read:

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

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

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

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

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

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

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

30 (7) establish for pharmacists and pharmacies minimum specifications
 31 for the physical facilities, technical equipment, personnel, and procedures for the

1 storage, compounding, and dispensing of drugs or related devices, and for the
2 monitoring of drug therapy;

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

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

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

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

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

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

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

21 * **Sec. 30.** AS 08.80 is amended by adding a new section to article 3 to read:

22 **Sec. 08.80.345. Prescription for an opioid; voluntary request for lesser**
23 **quantity.** (a) A pharmacist filling a prescription for an opioid that is a schedule II or
24 III controlled substance under federal law may, at the request of the individual for
25 whom the prescription is written, dispense the prescribed opioid in a lesser quantity
26 than prescribed.

27 (b) Nothing in this section shall be construed to prevent substitution of an
28 equivalent drug under AS 08.80.295.

29 * **Sec. 31.** AS 08.98.050(a) is amended to read:

30 (a) The board shall

31 (1) establish examination requirements for eligible applicants for

1 licensure to practice veterinary medicine;

2 (2) examine, or cause to be examined, eligible applicants for licensure
3 or registration;

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

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

8 (5) conduct disciplinary proceedings in accordance with this chapter;

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

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

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

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

18 (A) the issuance of student permits; and

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

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

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

27 * **Sec. 32.** AS 08.98.235 is amended to read:

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

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

misrepresentation;

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

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

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

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

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

(7) continued to practice after becoming unfit due to

(A) professional incompetence;

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

(C) physical or mental disability;

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

(9) prescribed or dispensed an opioid in excess of the maximum dosage authorized under AS 08.98.245;

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

* **Sec. 33.** AS 08.98 is amended by adding a new section to article 3 to read:

Sec. 08.98.245. Maximum dosage for opioid prescriptions. (a) A veterinarian may not issue an initial prescription for an opioid that exceeds a seven-day supply to the owner of an animal patient for outpatient use.

(b) Notwithstanding (a) of this section, a veterinarian may issue a prescription for an opioid that exceeds a seven-day supply to the owner of an animal if the veterinarian determines that more than a seven-day supply of an opioid is necessary

(1) to treat the animal's medical condition or for chronic pain

management; the veterinarian may write a prescription for an opioid for the quantity needed to treat the animal's medical condition or chronic pain; the veterinarian shall document in the animal's medical record the condition triggering the prescription of an opioid in a quantity that exceeds a seven-day supply and indicate that a nonopioid alternative was not appropriate to address the medical condition; or

(2) for an owner who is unable to access a veterinarian or pharmacist within the time necessary for a refill of the seven-day supply because of a logistical or travel barrier; the veterinarian may write a prescription for an opioid for the quantity needed to treat the animal for the time that the owner is unable to access a veterinarian or pharmacist; the veterinarian shall document in the animal's medical record the reason for the prescription of an opioid in a quantity that exceeds a seven-day supply and indicate that a nonopioid alternative was not appropriate to address the medical condition.

* **Sec. 34.** AS 11.71.900(19) is amended to read:

(19) "practitioner" means

(A) a physician, dentist, advanced practice registered nurse, optometrist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer or use in teaching or chemical analysis a controlled substance in the course of professional practice or research in the state;

(B) a pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in the state;

* **Sec. 35.** 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 who is 18 years of age or older or an emancipated minor, a parent or legal guardian of a minor, or an individual's guardian or other person appointed by the individual or a court to manage the individual's health care may execute a voluntary nonopioid directive stating that an opioid may not be administered or prescribed to the

individual or the minor. The directive must be in a format prescribed by the department and available in an electronic format.

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

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

(2) provide standard procedures for an individual, a parent or legal guardian of a minor, or an individual's guardian or other person appointed by the individual or a court to manage the individual's health care to submit a voluntary nonopioid directive to a health care provider or hospital;

(3) include appropriate exemptions for emergency medical personnel;

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

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

(c) An individual who is 18 years of age or older or an emancipated minor, a parent or legal guardian of a minor, or an individual's guardian or other person appointed by the individual or a court to manage the individual's health care may revoke a voluntary nonopioid directive at any time in writing or orally.

(d) An individual, a parent or legal guardian of a minor, or an individual's guardian or other person appointed by the individual or a court to manage the individual's health care 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 or held civilly or criminally liable for failure to administer, prescribe, or dispense an opioid, or for inadvertent administration of an opioid, to an individual or a minor who has a voluntary nonopioid directive.

Sec. 13.55.030. Prescriptions presumed valid. A prescription presented to a pharmacy is presumed to be valid, and a pharmacist may not be subject to disciplinary action by the pharmacist's professional licensing board or held civilly or criminally

liable for dispensing an opioid in contradiction to an individual's or a minor's voluntary nonopioid directive.

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

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

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

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

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

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

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

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

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

(5) "minor" means an individual under 18 years of age who is not an emancipated minor;

(6) "opioid" includes the opium and opiate substances and opium and opiate derivatives listed in AS 11.71.140 and 11.71.160;

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

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

* **Sec. 36.** AS 17.30.200(a), as amended by sec. 21, ch. 25, SLA 2016, is amended to read:

(a) The controlled substance prescription database is established in the Board of Pharmacy. The purpose of the database is to contain data as described in this section regarding every prescription for a schedule II, III, or IV controlled substance under federal law dispensed in the state to a person other than under the circumstances described in (u) of this section [THOSE ADMINISTERED TO A

1 PATIENT AT A HEALTH CARE FACILITY].

2 * **Sec. 37.** AS 17.30.200(b), as amended by sec. 23, ch. 25, SLA 2016, is amended to read:

3 (b) The pharmacist-in-charge of each licensed or registered pharmacy,
4 regarding each schedule II, III, or IV controlled substance under federal law dispensed
5 by a pharmacist under the supervision of the pharmacist-in-charge, and each
6 practitioner who directly dispenses a schedule II, III, or IV controlled substance under
7 federal law other than those **dispensed or administered under the circumstances**
8 **described in (u) of this section** [ADMINISTERED TO A PATIENT AT A HEALTH
9 CARE FACILITY], shall submit to the board, by a procedure and in a format
10 established by the board, the following information for inclusion in the database on at
11 least a weekly basis:

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

15 (2) the date of the prescription;

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

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

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

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

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

24 and

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

27 * **Sec. 38.** AS 17.30.200(b), as amended by sec. 37 of this Act, is amended to read:

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

1 federal law other than those dispensed or administered under the circumstances
 2 described in (u) of this section, shall submit to the board, by a procedure and in a
 3 format established by the board, the following information for inclusion in the
 4 database on at least a **daily** [WEEKLY] basis:

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

8 (2) the date of the prescription;

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

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

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

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

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

17 and

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

20 * **Sec. 39.** AS 17.30.200(d), as amended by sec. 25, ch. 25, SLA 2016, is amended to read:

21 (d) The database and the information contained within the database are
 22 confidential, are not public records, are not subject to public disclosure, and may not
 23 be shared with the federal government. The board shall undertake to ensure the
 24 security and confidentiality of the database and the information contained within the
 25 database. The board may allow access to the database only to the following persons,
 26 and in accordance with the limitations provided and regulations of the board:

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

31 (2) authorized board personnel or contractors as required for

1 operational and review purposes;

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

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

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

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

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

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

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

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

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

* **Sec. 40.** AS 17.30.200(e), as amended by sec. 27, ch. 25, SLA 2016, is amended to read:

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

* **Sec. 41.** AS 17.30.200(p), enacted by sec. 34, ch. 25, SLA 2016, is amended to read:

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

* **Sec. 42.** AS 17.30.200(q), enacted by sec. 34, ch. 25, SLA 2016, is amended to read:

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

practitioner's licensing board under this section

(1) must be provided to the practitioner;

(2) is confidential;

(3) may not disclose information that is confidential under this section;

(4) may be in a summary form sufficient to provide notice of the basis for the unsolicited notification.

* **Sec. 43.** AS 17.30.200(r), enacted by sec. 34, ch. 25, SLA 2016, is amended to read:

(r) The board shall update the database on at least a **daily** [WEEKLY] basis with the information submitted to the board under (b) of this section.

* **Sec. 44.** AS 17.30.200(n) is amended by adding a new paragraph to read:

(5) "opioid" includes the opium and opiate substances and opium and opiate derivatives listed in AS 11.71.140 and 11.71.160.

* **Sec. 45.** AS 17.30.200 is amended by adding new subsections to read:

(t) Notwithstanding (q) of this section, the board may issue to a practitioner periodic unsolicited reports that detail and compare the practitioner's opioid prescribing practice with other practitioners of the same occupation and similar specialty. A report issued under this subsection is confidential and the board shall issue the report only to a practitioner. The board may adopt regulations to implement this subsection. The regulations may address the types of controlled substances to be included in an unsolicited report, the quantities dispensed, the medication strength, and other factors determined by the board.

(u) A practitioner or a pharmacist is not required to comply with the requirements of (a) and (b) of this section if a controlled substance is

(1) administered to a patient at

(A) a health care facility; or

(B) a correctional facility;

(2) dispensed to a patient for an outpatient supply of 24 hours or less at a hospital

(A) inpatient pharmacy; or

(B) emergency department.

1 * **Sec. 46.** AS 18.05.040(a) is amended to read:

2 (a) The commissioner shall adopt regulations consistent with existing law for

3 (1) the time, manner, information to be reported, and persons
4 responsible for reporting for each disease or other condition of public health
5 importance on the list developed under AS 18.15.370;

6 (2) cooperation with local boards of health and health officers;

7 (3) protection and promotion of the public health and prevention of
8 disability and mortality;

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

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

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

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

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

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

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

28 **(11) implementation of AS 13.55 (Voluntary Nonopioid Directive**

29 **Act).**

30 * **Sec. 47.** Sections 22, 24, 26, 28, 30, 32, 52, and 73, ch. 25, SLA 2016, are repealed.

31 * **Sec. 48.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 TRANSITION: REGULATIONS. (a) The Department of Health and Social Services
3 may adopt regulations necessary to implement the changes made by secs. 35 and 46 of this
4 Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
5 before the effective date of the relevant provision of this Act implemented by the regulation.

6 (b) The Department of Commerce, Community, and Economic Development and a
7 board that regulates an occupation that includes a practitioner required to register with the
8 controlled substance prescription database under AS 17.30.200 shall adopt regulations to
9 implement the changes made by AS 17.30.200(b), as amended by sec. 38 of this Act, and
10 AS 17.30.200(r), as amended by sec. 43 of this Act. The regulations take effect under
11 AS 44.62 (Administrative Procedure Act), but not before the effective date of the relevant
12 provision of secs. 38 and 43 of this Act implemented by the regulation. In this subsection,

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

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

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

16 (c) The Board of Dental Examiners may adopt regulations necessary to implement the
17 changes made by secs. 2 and 3 of this Act. The regulations take effect under AS 44.62
18 (Administrative Procedure Act), but not before the effective date of the relevant provision of
19 secs. 2 and 3 of this Act implemented by the regulation.

20 (d) The State Medical Board may adopt regulations necessary to implement the
21 changes made by secs. 7 - 14 of this Act. The regulations take effect under AS 44.62
22 (Administrative Procedure Act), but not before the effective date of the relevant provision of
23 secs. 7 - 14 of this Act implemented by the regulation.

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

28 (f) The Board of Examiners in Optometry may adopt regulations necessary to
29 implement the changes made by secs. 24 - 26 of this Act. The regulations take effect under
30 AS 44.62 (Administrative Procedure Act), but not before the effective date of the relevant
31 provision of secs. 24 - 26 of this Act implemented by the regulation.

1 * **Sec. 49.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 CONDITIONAL EFFECT. AS 08.72.240(10), enacted by sec. 27 of this Act, and sec.
4 28 of this Act take effect only if CSHB 103(FIN), as passed by the Thirtieth Alaska State
5 Legislature, is enacted into law.

6 * **Sec. 50.** If AS 08.72.240(10), enacted by sec. 27 of this Act, and sec. 28 of this Act take
7 effect under sec. 49 of this Act, they take effect on the effective date of sec. 4 of CSHB
8 103(FIN) as passed by the Thirtieth Alaska State Legislature and enacted into law.

9 * **Sec. 51.** Section 29 of this Act takes effect on the effective date of sec. 12, ch. 25, SLA
10 2016.

11 * **Sec. 52.** Section 36 of this Act takes effect on the effective date of sec. 21, ch. 25, SLA
12 2016.

13 * **Sec. 53.** Section 37 of this Act takes effect on the effective date of sec. 23, ch. 25, SLA
14 2016.

15 * **Sec. 54.** Section 39 of this Act takes effect on the effective date of sec. 25, ch. 25, SLA
16 2016.

17 * **Sec. 55.** Section 40 of this Act takes effect on the effective date of sec. 27, ch. 25, SLA
18 2016.

19 * **Sec. 56.** Sections 41 and 42 of this Act take effect on the effective date of sec. 34, ch. 25,
20 SLA 2016.

21 * **Sec. 57.** Section 45 of this Act takes effect on the effective date of secs. 21 and 23, ch. 25,
22 SLA 2016.

23 * **Sec. 58.** Sections 2, 3, 7 - 14, 19, 21, 24 - 26, 38, and 43 of this Act take effect July 1,
24 2018.

25 * **Sec. 59.** Sections 35 and 46 of this Act take effect July 1, 2019.

26 * **Sec. 60.** Except as provided in secs. 50 - 59 of this Act, this Act takes effect immediately
27 under AS 01.10.070(c).