

SENATE BILL NO. 166

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY SENATOR WIELECHOWSKI

Introduced: 2/1/16

Referred: Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the controlled substance prescription database; relating to the
2 Board of Dental Examiners; relating to the State Medical Board; relating to the Board
3 of Nursing; relating to the Board of Examiners in Optometry; relating to the Board of
4 Pharmacy; and providing for an effective date."

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

6 * **Section 1.** AS 08.36.070(a) is amended to read:

7 (a) The board shall

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

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

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

14 (4) hold hearings and order the disciplinary sanction of a person who

violates this chapter, AS 08.32, or a regulation of the board;

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

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

(7) adopt regulations ensuring that renewal of a license, registration, or certificate under this chapter or a license, certificate, or endorsement under AS 08.32 is contingent upon proof of continued professional competence;

(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) provide information to a licensed dentist on how to register with the controlled substance prescription database under AS 17.30.200(o) when the dentist's license is issued, reinstated, or renewed.

* **Sec. 2.** AS 08.64.101 is amended to read:

Sec. 08.64.101. Duties. The board shall

(1) examine and issue licenses to applicants;

(2) develop written guidelines to ensure that licensing requirements are not unreasonably burdensome and the issuance of licenses is not unreasonably withheld or delayed;

(3) after a hearing, impose disciplinary sanctions on persons who violate this chapter or the regulations or orders of the board;

(4) adopt regulations ensuring that renewal of licenses is contingent upon proof of continued competency on the part of the licensee; [AND]

(5) under regulations adopted by the board, contract with private professional organizations to establish an impaired medical professionals program to identify, confront, evaluate, and treat persons licensed under this chapter who abuse

1 alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;
 2 and

3 (6) provide information to a licensee on how to register with the
 4 controlled substance prescription database under AS 17.30.200(o) when a license
 5 is issued, reinstated, or renewed.

6 * Sec. 3. AS 08.68.100(a) is amended to read:

7 (a) The board shall

8 (1) adopt regulations necessary to implement this chapter, including
 9 regulations

10 (A) pertaining to practice as an advanced nurse practitioner and
 11 a certified registered nurse anesthetist;

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

15 (C) pertaining to retired nurse status; and

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

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

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

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

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

27 (6) prescribe requirements for competence before a former nurse may
 28 resume the practice of nursing under this chapter;

29 (7) define by regulation the qualifications and duties of the executive
 30 administrator and delegate authority to the executive administrator that is necessary to
 31 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) provide information to a licensed registered nurse on how to register with the controlled substance prescription database under AS 17.30.200(o) when the registered nurse's license is issued, reinstated, or renewed.

* Sec. 4. AS 08.72.060(c) is amended to read:

(c) The board shall

(1) elect a chair and secretary from among its members;

(2) order a licensee to submit to a reasonable physical examination if the licensee's physical capacity to practice safely is at issue;

(3) provide information to a licensee on how to register with the controlled substance prescription database under AS 17.30.200(o) when a license is issued or renewed.

* Sec. 5. AS 08.80.030(b) 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

1 of pharmacy;

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

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

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

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

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

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

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

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

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

25 **(13) provide information to a licensed pharmacist on how to**
26 **register with the controlled substance prescription database under**
27 **AS 17.30.200(o) when the pharmacist's license is issued or renewed.**

28 * Sec. 6. AS 17.30.200(d) is amended to read:

29 (d) The database and the information contained within the database are
30 confidential, are not public records, and are not subject to public disclosure. The board
31 shall undertake to ensure the security and confidentiality of the database and the

1 information contained within the database. The board may allow access to the
 2 database only to the following persons, and in accordance with the limitations
 3 provided and regulations of the board:

4 (1) personnel of the board regarding inquiries concerning licensees or
 5 registrants of the board or personnel of another board or agency concerning a
 6 practitioner under a search warrant, subpoena, or order issued by an administrative law
 7 judge or a court;

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

10 (3) a licensed practitioner having authority to prescribe controlled
 11 substances **or an agent or employee of the practitioner whom the practitioner has**
 12 **authorized to access the database on the practitioner's behalf**, to the extent the
 13 information relates specifically to a current patient of the practitioner to whom the
 14 practitioner is prescribing or considering prescribing a controlled substance;

15 (4) a licensed or registered pharmacist having authority to dispense
 16 controlled substances **or an agent or employee of the pharmacist whom the**
 17 **pharmacist has authorized to access the database on the pharmacist's behalf**, to
 18 the extent the information relates specifically to a current patient to whom the
 19 pharmacist is dispensing or considering dispensing a controlled substance;

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

24 (6) an individual who is the recipient of a controlled substance
 25 prescription entered into the database may receive information contained in the
 26 database concerning the individual on providing evidence satisfactory to the board that
 27 the individual requesting the information is in fact the person about whom the data
 28 entry was made and on payment of a fee set by the board under AS 37.10.050 that
 29 does not exceed \$10.

30 * **Sec. 7.** AS 17.30.200(k) is amended to read:

31 (k) In the regulations adopted under this section, the board shall provide

(1) that prescription information in the database shall be purged from the database after two years have elapsed from the date the prescription was dispensed;

(2) a method for an individual to challenge information in the database about the individual that the person believes is incorrect or was incorrectly entered by a dispenser;

(3) a procedure for registration with the database.

*** Sec. 8.** AS 17.30.200 is amended by adding new subsections to read:

(o) A pharmacist who dispenses or a practitioner who prescribes or directly dispenses a schedule IA, IIA, IIIA, IVA, or VA controlled substance under state law or a schedule I, II, III, IV, or V controlled substance under federal law may register with the database by a procedure and in a format established by the board.

(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 when a practitioner registers with the database under (o) of this section.

(q) Notwithstanding another provision of law, the board may, on its own initiative, provide a report from the database to a practitioner or pharmacist who is registered with the database.

*** Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Board of Pharmacy may adopt regulations necessary to implement the changes made by secs. 6 - 8 of this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the relevant provision of this Act implemented by the regulation.

*** Sec. 10.** Section 9 of this Act takes effect July 1, 2016.

*** Sec. 11.** Except as provided in sec. 10 of this Act, this Act takes effect January 1, 2017.