

CS FOR HOUSE BILL NO. 159(FIN) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SPECIAL SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 5/22/17

Offered: 5/12/17

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

A BILL

FOR AN ACT ENTITLED

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

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

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

12 LEGISLATIVE INTENT. It is the intent of the legislature that the seven-day supply

limit for an initial opioid prescription under secs. 5, 16, and 22 of this Act may not be considered as a minimum length of time appropriate for an initial prescription. The United States Centers for Disease Control and Prevention guidelines state that a three-day initial prescription of an opioid is sufficient for most cases of acute pain. The United States Centers for Disease Control and Prevention reported in its March 17, 2017, weekly report that the likelihood of a person's chronic opioid use increases with each additional day of medication supplied after the second day. Practitioners should use their professional judgment in each case and not interpret the seven-day limit as a direction to prescribe the full seven days.

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

(a) The board shall

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

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

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

(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 on [UPON] proof of continued professional competence; the regulations must require that a licensee receive not less than two hours of 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

1 Practitioner Data Bank or the American Association of Dental Boards
 2 Clearinghouse for Board Actions that relates to criminal or fraudulent activity,
 3 or dental malpractice;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) continued to practice after becoming unfit due to

(A) professional incompetence;

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

(C) physical or mental disability;

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (c) In this section,

28 (1) "adult" means

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

30 (B) an emancipated minor;

31 (2) "emancipated minor" means a minor whose disabilities have been

1 removed for general purposes under AS 09.55.590;

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

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

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

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

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

12 (1) educational and other qualifications, including education in pain
13 management and opioid use and addiction;

14 (2) application and registration procedures;

15 (3) scope of activities authorized; and

16 (4) responsibilities of the supervising or training physician.

17 * **Sec. 8.** AS 08.64.200(a) is amended to read:

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

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

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

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

30 (B) two years if the applicant graduated from medical school
31 on or after January 1, 1995, as evidenced by a certificate of completion of the

1 first year of postgraduate training from the facility where the applicant
 2 completed the first year of internship or residency and a certificate of
 3 successful completion of one additional year of postgraduate training at a
 4 recognized hospital;

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

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

11 (5) 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. 9. AS 08.64.205 is amended to read:

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

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

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

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

30 (B) two years if the applicant graduated from a school of
 31 osteopathy on or after January 1, 1995, as evidenced by a certificate of

completion of the first year of postgraduate training from the facility where the applicant completed the first year of internship or residency and a certificate of successful completion of one additional year of postgraduate training at a recognized hospital;

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

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

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

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

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

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

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

(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

1 Association of American Medical Colleges and the Council on Medical Education of
2 the American Medical Association shall

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

5 (2) have successfully completed

6 (A) three years of postgraduate training as evidenced by a
7 certificate of completion of the first year of postgraduate training from the
8 facility where the applicant completed the first year of internship or residency
9 and a certificate of successful completion of two additional years of
10 postgraduate training at a recognized hospital; or

11 (B) other requirements establishing proof of competency and
12 professional qualifications as the board considers necessary to ensure the
13 continued protection of the public adopted at the discretion of the board by
14 regulation, including education in pain management and opioid use and
15 addiction, unless the applicant has demonstrated to the satisfaction of the
16 board that the applicant does not currently hold a valid federal Drug
17 Enforcement Administration registration number; an applicant may
18 include past professional experience or professional education as proof of
19 professional competence; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 misrepresentation;

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

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

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

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

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

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

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

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

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

23 (8) has demonstrated

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

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

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

31 (9) engaged in unprofessional conduct, in sexual misconduct, or in

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

10 (10) has violated AS 18.16.010;

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

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

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

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

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

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

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

29 (2) a prescription for an opioid that exceeds a seven-day supply to a
 30 minor; at the time a licensee writes a prescription for an opioid for a minor, the
 31 licensee shall discuss with the parent or guardian of the minor why the prescription is

1 necessary and the risks associated with opioid use.

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

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

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

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

30 (c) In this section,

31 (1) "adult" means

(A) an 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 a individual under 18 years of age who is not an emancipated minor.

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

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

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

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

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

(a) The board shall

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

(A) pertaining to practice as an advanced practice registered nurse, including requirements for an advanced practice registered nurse to practice as a certified registered nurse anesthetist, certified clinical nurse specialist, certified nurse practitioner, or certified nurse midwife; **regulations for an advanced practice registered nurse who holds a valid federal Drug Enforcement Administration registration number must address training 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;

- 1 (C) pertaining to retired nurse status; and
- 2 (D) establishing criteria for approval of practical nurse
- 3 education programs that are not accredited by a national nursing accrediting
- 4 body;
- 5 (2) approve curricula and adopt standards for basic education programs
- 6 that prepare persons for licensing under AS 08.68.190;
- 7 (3) provide for surveys of the basic nursing education programs in the
- 8 state at the times it considers necessary;
- 9 (4) approve education programs that meet the requirements of this
- 10 chapter and of the board, and deny, revoke, or suspend approval of education
- 11 programs for failure to meet the requirements;
- 12 (5) examine, license, and renew the licenses of qualified applicants;
- 13 (6) prescribe requirements for competence before a former registered,
- 14 advanced practice registered, or licensed practical nurse may resume the practice of
- 15 nursing under this chapter;
- 16 (7) define by regulation the qualifications and duties of the executive
- 17 administrator and delegate authority to the executive administrator that is necessary to
- 18 conduct board business;
- 19 (8) develop reasonable and uniform standards for nursing practice;
- 20 (9) publish advisory opinions regarding whether nursing practice
- 21 procedures or policies comply with acceptable standards of nursing practice as defined
- 22 under this chapter;
- 23 (10) require applicants under this chapter to submit fingerprints and the
- 24 fees required by the Department of Public Safety under AS 12.62.160 for criminal
- 25 justice information and a national criminal history record check; the department shall
- 26 submit the fingerprints and fees to the Department of Public Safety for a report of
- 27 criminal justice information under AS 12.62 and a national criminal history record
- 28 check under AS 12.62.400;
- 29 (11) require that a licensed advanced practice registered nurse
- 30 [PRACTITIONER] who has a federal Drug Enforcement Administration registration
- 31 number register with the controlled substance prescription database under

1 AS 17.30.200(o).

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

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

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

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

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

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

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

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

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

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

22 (9) is professionally incompetent;

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

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

28 (12) has procured, sold, prescribed, or dispensed drugs in violation
29 of a law, regardless of whether there has been a criminal action or harm to the
30 patient.

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

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

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

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

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

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

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

24 (1) the patient's acute medical condition, chronic pain management,
 25 pain associated with cancer, or pain experienced while the patient is in palliative care;
 26 the advanced practice registered nurse may write a prescription for an opioid for the
 27 quantity needed to treat the patient's medical condition, chronic pain, pain associated
 28 with cancer, or pain experienced while the patient is in palliative care; the advanced
 29 practice registered nurse shall document in the patient's medical record the condition
 30 triggering the prescription of an opioid in a quantity that exceeds a seven-day supply
 31 and indicate that a nonopioid alternative was not appropriate to address the medical

condition; or

(2) a patient who is unable to access a practitioner within the time necessary for a refill of the seven-day supply because of a logistical or travel barrier; the advanced practice registered nurse may write a prescription for an opioid for the quantity needed to treat the patient for the time that the patient is unable to access a practitioner; the advanced practice registered nurse shall document in the patient'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; in this paragraph, "practitioner" has the meaning given in AS 11.71.900.

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

(d) In this section,

(1) "adult" means

(A) an 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. 23.** AS 08.68.850 is amended by adding a new paragraph to read:

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

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

Sec. 08.72.140. Qualifications for licensure. An applicant for licensure as an optometrist

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

(2) may not have committed an act in any jurisdiction that would have

1 constituted a violation of this chapter or regulations adopted under this chapter at the
2 time the act was committed;

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

8 (4) shall have successfully completed

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

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

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

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

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

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

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

30 (2) has passed a written examination approved by the board that is
31 designed to test the applicant's knowledge of the laws of Alaska governing the practice

1 of optometry and the regulations adopted under those laws;

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

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

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

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

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

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

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

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

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

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

(3) completed at least two hours of 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; and

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

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

(7) continued to practice after becoming unfit due to

(A) professional incompetence;

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

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

- 1 (D) physical or mental disability;
- 2 (8) engaged in lewd or immoral conduct in connection with the
- 3 delivery of professional service to patients;
- 4 (9) failed to refer a patient to a physician after ascertaining the
- 5 presence of ocular or systemic conditions requiring management by a physician;
- 6 **(10) procured, sold, prescribed, or dispensed drugs in violation of**
- 7 **a law, regardless of whether there has been a criminal action or harm to the**
- 8 **patient.**

9 * **Sec. 28.** AS 08.80.030(b), as amended by sec. 12, ch. 25, SLA 2016, is amended to read:

10 (b) In order to fulfill its responsibilities, the board has the powers necessary

11 for implementation and enforcement of this chapter, including the power to

12 (1) elect a president and secretary from its membership and adopt rules

13 for the conduct of its business;

14 (2) license by examination or by license transfer the applicants who are

15 qualified to engage in the practice of pharmacy;

16 (3) assist the department in inspections and investigations for

17 violations of this chapter, or of any other state or federal statute relating to the practice

18 of pharmacy;

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

20 (5) establish and enforce compliance with professional standards and

21 rules of conduct for pharmacists engaged in the practice of pharmacy;

22 (6) determine standards for recognition and approval of degree

23 programs of schools and colleges of pharmacy whose graduates shall be eligible for

24 licensure in this state, including the specification and enforcement of requirements for

25 practical training, including internships;

26 (7) establish for pharmacists and pharmacies minimum specifications

27 for the physical facilities, technical equipment, personnel, and procedures for the

28 storage, compounding, and dispensing of drugs or related devices, and for the

29 monitoring of drug therapy;

30 (8) enforce the provisions of this chapter relating to the conduct or

31 competence of pharmacists practicing in the state, and the suspension, revocation, or

1 restriction of licenses to engage in the practice of pharmacy;

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

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

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

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

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

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

17 * **Sec. 29.** AS 08.80 is amended by adding a new section to article 3 to read:

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

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

25 * **Sec. 30.** AS 08.98.050(a) is amended to read:

26 (a) The board shall

27 (1) establish examination requirements for eligible applicants for
28 licensure to practice veterinary medicine;

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

31 (3) approve the issuance of licenses and student permits to qualified

1 applicants;

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

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

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

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

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

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

14 (A) the issuance of student permits; and

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

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

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

23 * **Sec. 31.** AS 08.98.235 is amended to read:

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

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

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

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

* **Sec. 32.** 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

1 overdose drug;

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

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

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

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

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

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

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

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

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

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

19 * **Sec. 33.** AS 17.30.200(a), as amended by sec. 21, ch. 25, SLA 2016, is amended to read:

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

26 * **Sec. 34.** AS 17.30.200(b), as amended by sec. 23, ch. 25, SLA 2016, is amended to read:

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

described in (u) of this section [ADMINISTERED TO A PATIENT AT A HEALTH CARE FACILITY], shall submit to the board, by a procedure and in a format established by the board, the following information for inclusion in the database on at least a weekly basis:

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

(2) the date of the prescription;

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

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

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

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

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

and

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

* **Sec. 35.** AS 17.30.200(b), as amended by sec. 34 of this Act, is amended to read:

(b) The pharmacist-in-charge of each licensed or registered pharmacy, regarding each schedule II, III, or IV controlled substance under federal law dispensed by a pharmacist under the supervision of the pharmacist-in-charge, and each practitioner who directly dispenses a schedule II, III, or IV controlled substance under federal law other than those dispensed or administered under the circumstances described in (u) of this section, shall submit to the board, by a procedure and in a format established by the board, the following information for inclusion in the database on at least a **daily** [WEEKLY] basis:

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

- 1 (2) the date of the prescription;
- 2 (3) the date the prescription was filled and the method of payment; this
- 3 paragraph does not authorize the board to include individual credit card or other
- 4 account numbers in the database;
- 5 (4) the name, address, and date of birth of the person for whom the
- 6 prescription was written;
- 7 (5) the name and national drug code of the controlled substance;
- 8 (6) the quantity and strength of the controlled substance dispensed;
- 9 (7) the name of the drug outlet dispensing the controlled substance;
- 10 and
- 11 (8) the name of the pharmacist or practitioner dispensing the controlled
- 12 substance and other appropriate identifying information.

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

14 (d) The database and the information contained within the database are

15 confidential, are not public records, are not subject to public disclosure, and may not

16 be shared with the federal government. The board shall undertake to ensure the

17 security and confidentiality of the database and the information contained within the

18 database. The board may allow access to the database only to the following persons,

19 and in accordance with the limitations provided and regulations of the board:

20 (1) personnel of the board regarding inquiries concerning licensees or

21 registrants of the board or personnel of another board or agency concerning a

22 practitioner under a search warrant, subpoena, or order issued by an administrative law

23 judge or a court;

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

25 operational and review purposes;

26 (3) a licensed practitioner having authority to prescribe controlled

27 substances or an agent or employee of the practitioner whom the practitioner has

28 authorized to access the database on the practitioner's behalf, to the extent the

29 information relates specifically to a current patient of the practitioner to whom the

30 practitioner is prescribing or considering prescribing a controlled substance; the agent

31 or employee must be licensed or registered under AS 08;

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

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

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

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

20 (8) a licensed pharmacist, licensed practitioner, or authorized
21 employee of the Department of Health and Social Services responsible for utilization
22 review of prescription drugs for the medical assistance program under AS 47.07, to the
23 extent that the information relates specifically to utilization review of prescription
24 drugs provided to recipients of medical assistance;

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

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

1 and dispenser are located and the specialty of the prescriber; and

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

7 * **Sec. 37.** AS 17.30.200(e), as amended by sec. 27, ch. 25, SLA 2016, is amended to read:

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

15 * **Sec. 38.** AS 17.30.200(p), enacted by sec. 34, ch. 25, SLA 2016, is amended to read:

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

20 * **Sec. 39.** AS 17.30.200(q), enacted by sec. 34, ch. 25, SLA 2016, is amended to read:

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

26 **(1) must be provided to the practitioner;**

27 **(2) is confidential;**

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

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

1 * **Sec. 40.** AS 17.30.200(r), enacted by sec. 34, ch. 25, SLA 2016, is amended to read:

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

4 * **Sec. 41.** AS 17.30.200(n) is amended by adding a new paragraph to read:

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

7 * **Sec. 42.** AS 17.30.200 is amended by adding new subsections to read:

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

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

18 (1) administered to a patient at

19 (A) a health care facility; or

20 (B) a correctional facility;

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

23 (A) inpatient pharmacy; or

24 (B) emergency department.

25 * **Sec. 43.** AS 18.05.040(a) is amended to read:

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

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

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

31 (3) protection and promotion of the public health and prevention of

1 disability and mortality;

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

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

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

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

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

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

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

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

22 **Act).**

23 * **Sec. 44.** Sections 22, 24, 26, 28, 30, 32, 52, and 73, ch. 25, SLA 2016, are repealed.

24 * **Sec. 45.** The uncodified law of the State of Alaska is amended by adding a new section to
25 read:

26 TRANSITION: REGULATIONS. (a) The Department of Health and Social Services
27 may adopt regulations necessary to implement the changes made by secs. 32 and 43 of this
28 Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
29 before the effective date of the relevant provision of this Act implemented by the regulation.

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

1 controlled substance prescription database under AS 17.30.200 shall adopt regulations to
 2 implement the changes made by AS 17.30.200(b), as amended by sec. 35 of this Act, and
 3 AS 17.30.200(r), as amended by sec. 40 of this Act. The regulations take effect under
 4 AS 44.62 (Administrative Procedure Act), but not before the effective date of the relevant
 5 provision of secs. 35 and 40 of this Act implemented by the regulation. In this subsection,

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

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

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

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

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

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

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

25 * **Sec. 46.** Section 28 of this Act takes effect on the effective date of sec. 12, ch. 25, SLA
 26 2016.

27 * **Sec. 47.** Section 33 of this Act takes effect on the effective date of sec. 21, ch. 25, SLA
 28 2016.

29 * **Sec. 48.** Section 34 of this Act takes effect on the effective date of sec. 23, ch. 25, SLA
 30 2016.

31 * **Sec. 49.** Section 36 of this Act takes effect on the effective date of sec. 25, ch. 25, SLA

1 2016.

2 * **Sec. 50.** Section 37 of this Act takes effect on the effective date of sec. 27, ch. 25, SLA
3 2016.

4 * **Sec. 51.** Sections 38 and 39 of this Act take effect on the effective date of sec. 34, ch. 25,
5 SLA 2016.

6 * **Sec. 52.** Section 42 of this Act takes effect on the effective date of secs. 21 and 23, ch. 25,
7 SLA 2016.

8 * **Sec. 53.** Sections 2, 3, 7 - 14, 19, 21, 24 - 26, 35, and 40 of this Act take effect July 1,
9 2018.

10 * **Sec. 54.** Sections 32 and 43 of this Act take effect July 1, 2019.

11 * **Sec. 55.** Except as provided in secs. 46 - 54 of this Act, this Act takes effect immediately
12 under AS 01.10.070(c).