

HB69 INTRODUCED



1 HB69
2 IB1FZZ6-1
3 By Representative McCampbell
4 RFD: Health
5 First Read: 06-Feb-24
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SYNOPSIS:

Under existing law, the Controlled Substances Prescription Database may be accessed by, among others, up to two employees of a licensed physician who may access the database on behalf of the physician who is approved by the Alabama Department of Public Health and who has authority to prescribe, dispense, or administer controlled substances.

This bill would allow the Controlled Substances Prescription Database to be accessed by up to two employees of a licensed dentist who may access the database on behalf of the dentist who is approved by the Alabama Department of Public Health and who has authority to prescribe, dispense, or administer controlled substances.

A BILL
TO BE ENTITLED
AN ACT

Relating to controlled substances; to amend Section 20-2-214, Code of Alabama 1975, to allow the Controlled Substances Prescription Database to be accessed by up to two employees of a licensed dentist who may access the database on



HB69 INTRODUCED

29 behalf of the dentist who is approved by the Alabama
30 Department of Public Health and who has authority to
31 prescribe, dispense, or administer controlled substances.

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

33 Section 1. Section 20-2-214, Code of Alabama 1975, is
34 amended to read as follows:

35 "§20-2-214

36 (a) The following individuals or entities shall be
37 permitted access to the information in the controlled
38 substances database, subject to the limitations indicated
39 below:

40 (1) Authorized representatives of the certifying
41 boards; provided, however, that access shall be limited to
42 information concerning the licensees of the certifying board,
43 however, authorized representatives from the Board of Medical
44 Examiners may access the database to inquire about certified
45 registered nurse practitioners (CRNPs), or certified nurse
46 midwives (CNMs) that hold a Qualified Alabama Controlled
47 Substances Registration Certificate (QACSC).

48 (2) A licensed practitioner approved by the department
49 who has authority to prescribe, dispense, or administer
50 controlled substances. The licensed practitioner's access
51 shall be limited to information concerning himself or herself,
52 registrants who possess a Qualified Alabama Controlled
53 Substances Registration Certificate over whom the practitioner
54 exercises physician supervision or with whom he or she has a
55 joint practice agreement, a certified registered nurse
56 practitioner and a certified nurse midwife with a Qualified



HB69 INTRODUCED

57 Alabama Controlled Substances Registration Certificate over
58 whom the practitioner exercises professional oversight and
59 direction pursuant to an approved collaborative practice
60 agreement, a current patient of the practitioner, and
61 individuals seeking treatment from the practitioner.
62 Practitioners shall have no requirement or obligation under
63 this article to access or check the information in the
64 controlled substances database prior to prescribing,
65 dispensing, or administering medications or as part of their
66 professional practice. However, the applicable licensing
67 boards may impose such a requirement or obligation by rule.

68 (3) Up to two employees designated by a licensed
69 physician approved by the department who has authority to
70 prescribe, dispense, or administer controlled substances, who
71 may access the database on the physician's behalf.

72 (4) Up to two employees designated by a licensed
73 dentist approved by the department who has authority to
74 prescribe, dispense, or administer controlled substances, who
75 may access the database on the dentist's behalf.

76 ~~(4)~~ (5) A licensed certified registered nurse
77 practitioner or a licensed certified nurse midwife approved by
78 the department who is authorized to prescribe, administer, or
79 dispense pursuant to a Qualified Alabama Controlled Substances
80 Registration Certificate; provided, however, that access shall
81 be limited to information concerning a current or prospective
82 patient of the certified registered nurse practitioner or
83 certified nurse midwife.

84 ~~(5)~~ (6) A licensed assistant to physician approved by



HB69 INTRODUCED

85 the department who is authorized to prescribe, administer, or
86 dispense pursuant to a Qualified Alabama Controlled Substances
87 Registration Certificate; provided, however, that access shall
88 be limited to information concerning a current patient of the
89 assistant to the physician or an individual seeking treatment
90 from the assistant to physician.

91 ~~(6)~~ (7) A coroner, deputy coroner, or a licensed medical
92 examiner or the examiner's designee who is employed by the
93 Alabama Department of Forensic Sciences; provided, however,
94 that access shall be limited to information concerning an
95 investigation of the cause and manner of death of an
96 individual. No coroner or deputy coroner shall be granted
97 access to information pursuant to this subdivision unless he
98 or she has received and completed training provided by the
99 department and successfully passed a minimum standards exam
100 administered by the department.

101 ~~(7)~~ (8) A licensed pharmacist approved by the
102 department; provided, however, that access is limited to
103 information related to the patient or prescribing practitioner
104 designated on a controlled substance prescription that a
105 pharmacist has been asked to fill. Pharmacists shall have no
106 requirement or obligation to access or check the information
107 in the controlled substances database prior to dispensing or
108 administering medications or as part of their professional
109 practices.

110 ~~(8)~~ (9) State and local law enforcement authorities as
111 authorized under Section 20-2-91, and federal law enforcement
112 authorities authorized to access prescription information upon



HB69 INTRODUCED

113 application to the department accompanied by a declaration
114 that probable cause exists for the use of the requested
115 information.

116 ~~(9)~~ (10) Employees of the department and consultants
117 engaged by the department to operate the controlled substances
118 database; provided, however, that access shall be limited to
119 operating and administering the database, conducting
120 departmental research when approved by the Information Release
121 Review Committee, and implementing a research request
122 authorized under subsection (b).

123 ~~(10)~~ (11) The prescription drug monitoring program of
124 any of the other states or territories of the United States,
125 if recognized by the Alliance for Prescription Drug Monitoring
126 Programs under procedures developed, certified, or approved by
127 the United States Department of Justice or the Integrated
128 Justice Information Systems Institute or successor entity
129 subject to or consistent with limitations for access
130 prescribed by this chapter for the Alabama Prescription Drug
131 Monitoring Program.

132 ~~(11)~~ (12) Authorized representatives of the Alabama
133 Medicaid Agency; provided, however, that access shall be
134 limited to inquiries concerning possible misuse or abuse of
135 controlled substances by Medicaid recipients.

136 ~~(12)~~ (13) Upon good cause shown to the State Health
137 Officer or his or her designee, authorized representatives of
138 the Board of Nursing may receive information concerning
139 licensees of the Board of Nursing; provided, however, that
140 requests shall be limited to information concerning a licensee



HB69 INTRODUCED

141 of the Board of Nursing who is the subject of an investigation
142 or disciplinary activity. Any certifying board, state or
143 federal law enforcement agency, or other individual or entity
144 authorized to access the information from the controlled
145 substances database pursuant to this article may share
146 information from the controlled substances database with the
147 Board of Nursing, provided that the information concerns a
148 licensee of the Board of Nursing who is the subject of an
149 investigation or disciplinary activity.

150 (b) Subject to the approval of the Information Release
151 Review Committee, the department may release or publish
152 de-identified aggregate statewide and regional information for
153 statistical, research, or educational purposes.

154 (1) Prior to being released or published, all
155 information that identifies, or could reasonably be used to
156 identify, a patient, a prescriber, a dispenser, or any other
157 person who is the subject of the information, shall be
158 removed, and at a minimum, such de-identification of the
159 information shall comply with 45 C.F.R. § 164.514(b)(2), as
160 amended.

161 (2) Release of information shall be made pursuant to a
162 written data use agreement between the requesting individual
163 or entity and the department."

164 Section 2. This act shall become effective on October
165 1, 2024.