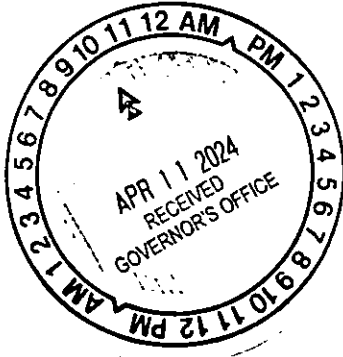




ACT #2024 - 80

1 HB69
2 IB1FZZ6-2
3 By Representative McCampbell
4 RFD: Health
5 First Read: 06-Feb-24
6 PFD: 30-Jan-24



HB69 Enrolled



1 Enrolled, An Act,

2

3 Relating to controlled substances; to amend Section
4 20-2-214, Code of Alabama 1975, to allow the Controlled
5 Substances Prescription Database to be accessed by up to two
6 employees of a licensed dentist who may access the database on
7 behalf of the dentist who is approved by the Alabama
8 Department of Public Health and who has authority to
9 prescribe, dispense, or administer controlled substances.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 "§20-2-214

14 (a) The following individuals or entities shall be
15 permitted access to the information in the controlled
16 substances database, subject to the limitations indicated
17 below:

18 (1) Authorized representatives of the certifying
19 boards; provided, however, that access shall be limited to
20 information concerning the licensees of the certifying board,
21 however, authorized representatives from the Board of Medical
22 Examiners may access the database to inquire about certified
23 registered nurse practitioners (CRNPs), or certified nurse
24 midwives (CNMs) that hold a Qualified Alabama Controlled
25 Substances Registration Certificate (QACSC).

26 (2) A licensed practitioner approved by the department
27 who has authority to prescribe, dispense, or administer
28 controlled substances. The licensed practitioner's access

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29 shall be limited to information concerning himself or herself,
30 registrants who possess a Qualified Alabama Controlled
31 Substances Registration Certificate over whom the practitioner
32 exercises physician supervision or with whom he or she has a
33 joint practice agreement, a certified registered nurse
34 practitioner and a certified nurse midwife with a Qualified
35 Alabama Controlled Substances Registration Certificate over
36 whom the practitioner exercises professional oversight and
37 direction pursuant to an approved collaborative practice
38 agreement, a current patient of the practitioner, and
39 individuals seeking treatment from the practitioner.

40 Practitioners shall have no requirement or obligation under
41 this article to access or check the information in the
42 controlled substances database prior to prescribing,
43 dispensing, or administering medications or as part of their
44 professional practice. However, the applicable licensing
45 boards may impose such a requirement or obligation by rule.

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

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

54 ~~(4)~~ (5) A licensed certified registered nurse
55 practitioner or a licensed certified nurse midwife approved by
56 the department who is authorized to prescribe, administer, or

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57 dispense pursuant to a Qualified Alabama Controlled Substances
58 Registration Certificate; provided, however, that access shall
59 be limited to information concerning a current or prospective
60 patient of the certified registered nurse practitioner or
61 certified nurse midwife.

62 ~~(5)~~(6) A licensed assistant to physician approved by
63 the department who is authorized to prescribe, administer, or
64 dispense pursuant to a Qualified Alabama Controlled Substances
65 Registration Certificate; provided, however, that access shall
66 be limited to information concerning a current patient of the
67 assistant to the physician or an individual seeking treatment
68 from the assistant to physician.

69 ~~(6)~~(7) A coroner, deputy coroner, or a licensed medical
70 examiner or the examiner's designee who is employed by the
71 Alabama Department of Forensic Sciences; provided, however,
72 that access shall be limited to information concerning an
73 investigation of the cause and manner of death of an
74 individual. No coroner or deputy coroner shall be granted
75 access to information pursuant to this subdivision unless he
76 or she has received and completed training provided by the
77 department and successfully passed a minimum standards exam
78 administered by the department.

79 ~~(7)~~(8) A licensed pharmacist approved by the
80 department; provided, however, that access is limited to
81 information related to the patient or prescribing practitioner
82 designated on a controlled substance prescription that a
83 pharmacist has been asked to fill. Pharmacists shall have no
84 requirement or obligation to access or check the information



85 in the controlled substances database prior to dispensing or
86 administering medications or as part of their professional
87 practices.

88 ~~(8)~~ (9) State and local law enforcement authorities as
89 authorized under Section 20-2-91, and federal law enforcement
90 authorities authorized to access prescription information upon
91 application to the department accompanied by a declaration
92 that probable cause exists for the use of the requested
93 information.

94 ~~(9)~~ (10) Employees of the department and consultants
95 engaged by the department to operate the controlled substances
96 database; provided, however, that access shall be limited to
97 operating and administering the database, conducting
98 departmental research when approved by the Information Release
99 Review Committee, and implementing a research request
100 authorized under subsection (b).

101 ~~(10)~~ (11) The prescription drug monitoring program of
102 any of the other states or territories of the United States,
103 if recognized by the Alliance for Prescription Drug Monitoring
104 Programs under procedures developed, certified, or approved by
105 the United States Department of Justice or the Integrated
106 Justice Information Systems Institute or successor entity
107 subject to or consistent with limitations for access
108 prescribed by this chapter for the Alabama Prescription Drug
109 Monitoring Program.

110 ~~(11)~~ (12) Authorized representatives of the Alabama
111 Medicaid Agency; provided, however, that access shall be
112 limited to inquiries concerning possible misuse or abuse of

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113 controlled substances by Medicaid recipients.

114 ~~(12)~~ (13) Upon good cause shown to the State Health
115 Officer or his or her designee, authorized representatives of
116 the Board of Nursing may receive information concerning
117 licensees of the Board of Nursing; provided, however, that
118 requests shall be limited to information concerning a licensee
119 of the Board of Nursing who is the subject of an investigation
120 or disciplinary activity. Any certifying board, state or
121 federal law enforcement agency, or other individual or entity
122 authorized to access the information from the controlled
123 substances database pursuant to this article may share
124 information from the controlled substances database with the
125 Board of Nursing, provided that the information concerns a
126 licensee of the Board of Nursing who is the subject of an
127 investigation or disciplinary activity.

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

132 (1) Prior to being released or published, all
133 information that identifies, or could reasonably be used to
134 identify, a patient, a prescriber, a dispenser, or any other
135 person who is the subject of the information, shall be
136 removed, and at a minimum, such de-identification of the
137 information shall comply with 45 C.F.R. § 164.514(b)(2), as
138 amended.

139 (2) Release of information shall be made pursuant to a
140 written data use agreement between the requesting individual



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141 or entity and the department."

142 Section 2. This act shall become effective on October

143 1, 2024.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 22-Feb-24.

John Treadwell
Clerk

Senate

09-Apr-24

Passed

APPROVED

4-16-2024

TIME

1:30 pm

GOVERNOR

Alabama Secretary Of State

Act Num....: 2024-80
Bill Num....: H-69

Recv'd 04/16/24 04:10pmKCW

ORIGINAL
 House Bill No. 69
 Project No. IB1FZZ-6-1
 Profile Date 1-24-24

SPONSOR: [Signature] DIST. NO. 71
 CO-SPONSORS

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HOUSE ACTION

DATE: 2-6-2024
 RD 1 RFD HEALTH

REPORT OF STANDING COMMITTEE
 This bill having been referred by the House to its standing committee on Health was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) w/sub this 21st day of Feb, 2024.
[Signature], Chair

DATE: 2-21-2024
 RF RD 2 CAL

DATE: 20
 RE-REFERRED RE-COMMITTED
 Committee _____

DATE: 20
 RE-REFERRED RE-COMMITTED
 Committee _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill,
 HB 69
 YEARS 100 NAYS 0
 JOHN TREADWELL,
 Clerk

FURTHER HOUSE ACTION (OVER)

SENATE ACTION HEALTH

DATE: 2-27 2024
 RD 1 RFD HEALTH

This Bill was referred to the Standing Committee of the Senate on Healthcare and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amd(s) w/sub w/eng sub by a vote of 12 yeas 0 abstain this 20th day of March, 2024.
[Signature], Chair

DATE: 3-21 2024
 RF RD2 CAL

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill,
 HB 69
 YEARS 34 NAYS 0
 PATRICK HARRIS,
 Secretary

DATE: 4-9-24 RD 3 at length
 PASSED PASSED AS AMENDED
 YEARS 34 NAYS 0
 And was ordered returned forthwith to the House
 PATRICK HARRIS,
 Secretary

DATE: 20
 INDEFINITELY POSTPONED YEARS NAYS

DATE: 20
 RECONSIDERED YEARS NAYS

FURTHER SENATE ACTION (OVER)