

CS FOR SENATE BILL NO. 79(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 5/10/17

Referred: Finance

Sponsor(s): SENATE 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; relating to the definition of 'practitioner'; providing for an
8 effective date by repealing the effective date of sec. 73, ch. 25, SLA 2016; and providing
9 for an effective date."

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

11 * **Section 1.** AS 08.36.070(a), as amended by sec. 5, ch. 25, SLA 2016, is amended to read:

12 (a) The board shall

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

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

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

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

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

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

14 (7) adopt regulations ensuring that renewal of a license, registration, or
15 certificate under this chapter or a license, certificate, or endorsement under AS 08.32
16 is contingent on [UPON] proof of continued professional competence; **the**
17 **regulations must require that a licensee receive not less than two hours of**
18 **education in pain management and opioid use and addiction in the two years**
19 **preceding an application for renewal of a license, unless the licensee has**
20 **demonstrated to the satisfaction of the board that the licensee does not currently**
21 **hold a valid federal Drug Enforcement Administration registration number;**

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

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

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

31 * **Sec. 2.** AS 08.36.110(a) is amended to read:

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

2 (1) provide certification to the board that the applicant

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

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

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

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

14 (E) is not the subject of an unresolved or an adverse decision
15 based on [UPON] a complaint, investigation, review procedure, or other
16 disciplinary proceeding, undertaken by a state, territorial, local, or federal
17 dental licensing jurisdiction or law enforcement agency that relates to criminal
18 or fraudulent activity, dental malpractice, or negligent dental care and that
19 adversely reflects on the applicant's ability or competence to practice dentistry
20 or on the safety or well-being of patients;

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

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

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

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

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

7 * **Sec. 3.** AS 08.36.315 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

- 1 (8) continued to practice after becoming unfit due to
 2 (A) professional incompetence;
 3 (B) addiction or dependence on alcohol or other drugs that
 4 impair the dentist's ability to practice safely;
 5 (C) physical or mental disability;
 6 (9) engaged in lewd or immoral conduct in connection with the
 7 delivery of professional service to patients;
 8 (10) permitted a dental hygienist or dental assistant who is employed
 9 by the dentist or working under the dentist's supervision to perform a dental procedure
 10 in violation of AS 08.32.110 or AS 08.36.346;
 11 (11) failed to report to the board a death that occurred on the premises
 12 used for the practice of dentistry within 48 hours;
 13 (12) falsified or destroyed patient or facility records or failed to
 14 maintain a patient or facility record for at least seven years after the date the record
 15 was created;
 16 **(13) prescribed or dispensed an opioid in excess of the maximum**
 17 **dosage authorized under AS 08.36.355; or**
 18 **(14) procured, sold, prescribed, or dispensed drugs in violation of**
 19 **a law, regardless of whether there has been a criminal action or harm to the**
 20 **patient.**

21 * **Sec. 4.** AS 08.36 is amended by adding a new section to read:

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

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

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

30 (b) Notwithstanding (a) of this section, a licensee may issue a prescription for
 31 an opioid that exceeds a seven-day supply to an adult or minor patient if, in the

1 professional judgment of the licensee, more than a seven-day supply of an opioid is
2 necessary for

3 (1) the patient's chronic pain management; the licensee may write a
4 prescription for an opioid for the quantity needed to treat the patient's medical
5 condition or chronic pain; the licensee shall document in the patient's medical record
6 the condition triggering the prescription of an opioid in a quantity that exceeds a
7 seven-day supply and indicate that a nonopioid alternative was not appropriate to
8 address the medical condition; or

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

17 (c) In this section,

18 (1) "adult" means

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

20 (B) an emancipated minor;

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

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

25 * **Sec. 5.** AS 08.36.370 is amended by adding a new paragraph to read:

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

28 * **Sec. 6.** AS 08.64.107 is amended to read:

29 **Sec. 08.64.107. Regulation of physician assistants and intensive care**
30 **paramedics.** The board shall adopt regulations regarding the licensure of physician
31 assistants and registration of mobile intensive care paramedics, and the medical

1 services that they may perform, including the

2 (1) educational and other qualifications, **including education in pain**
 3 **management and opioid use and addiction;**

4 (2) application and registration procedures;

5 (3) scope of activities authorized; and

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

7 * **Sec. 7.** AS 08.64.200(a) is amended to read:

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

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

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

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

20 (B) two years if the applicant graduated from medical school
 21 on or after January 1, 1995, as evidenced by a certificate of completion of the
 22 first year of postgraduate training from the facility where the applicant
 23 completed the first year of internship or residency and a certificate of
 24 successful completion of one additional year of postgraduate training at a
 25 recognized hospital;

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

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

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

6 * **Sec. 8.** AS 08.64.205 is amended to read:

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

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

12 (2) submit a certificate from a hospital approved by the American
 13 Medical Association or the American Osteopathic Association that certifies that the
 14 osteopath has satisfactorily completed and performed the duties of intern or resident
 15 physician for

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

20 (B) two years if the applicant graduated from a school of
 21 osteopathy on or after January 1, 1995, as evidenced by a certificate of
 22 completion of the first year of postgraduate training from the facility where the
 23 applicant completed the first year of internship or residency and a certificate of
 24 successful completion of one additional year of postgraduate training at a
 25 recognized hospital;

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

29 **(4) receive education in pain management and opioid use and**
 30 **addiction, unless the applicant has demonstrated to the satisfaction of the board**
 31 **that the applicant does not currently hold a valid federal Drug Enforcement**

1 **Administration registration number; an applicant may include past professional**
 2 **experience or professional education as proof of professional competence.**

3 * **Sec. 9.** AS 08.64.209(a) is amended to read:

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

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

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

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

18 (4) meet other qualifications of experience or education which the
 19 board may require.

20 * **Sec. 10.** AS 08.64.225(a) is amended to read:

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

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

26 (2) have successfully completed

27 (A) three years of postgraduate training as evidenced by a
 28 certificate of completion of the first year of postgraduate training from the
 29 facility where the applicant completed the first year of internship or residency
 30 and a certificate of successful completion of two additional years of
 31 postgraduate training at a recognized hospital; or

1 (B) other requirements establishing proof of competency and
 2 professional qualifications as the board considers necessary to ensure the
 3 continued protection of the public adopted at the discretion of the board by
 4 regulation, including education in pain management and opioid use and
 5 addiction, unless the applicant has demonstrated to the satisfaction of the
 6 board that the applicant does not currently hold a valid federal Drug
 7 Enforcement Administration registration number; an applicant may
 8 include past professional experience or professional education as proof of
 9 professional competence; and

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

11 * **Sec. 11.** AS 08.64.250 is amended to read:

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

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

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

21 * **Sec. 12.** AS 08.64.250 is amended by adding a new subsection to read:

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

26 * **Sec. 13.** AS 08.64.312 is amended to read:

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

31 (b) Before a license may be renewed, the licensee shall submit evidence to the

1 board or its designee that continuing education requirements prescribed by regulations
 2 adopted by the board have been met. **Continuing education requirements must**
 3 **include not less than two hours of education in pain management and opioid use**
 4 **and addiction for every 40 hours of education received, unless the licensee**
 5 **demonstrates to the satisfaction of the board that the licensee's practice does not**
 6 **include pain management and opioid treatment or prescribing.**

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

18 * **Sec. 14.** AS 08.64.326(a) is amended to read:

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

21 (1) secured a license through deceit, fraud, or intentional
 22 misrepresentation;

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

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

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

28 (A) a class A or unclassified felony or a crime in another
 29 jurisdiction with elements similar to a class A or unclassified felony in this
 30 jurisdiction;

31 (B) a class B or class C felony or a crime in another jurisdiction

1 with elements similar to a class B or class C felony in this jurisdiction if the
 2 felony or other crime is substantially related to the qualifications, functions, or
 3 duties of the licensee; or

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

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

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

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

13 (8) has demonstrated

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

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

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

21 (9) engaged in unprofessional conduct, in sexual misconduct, or in
 22 lewd or immoral conduct in connection with the delivery of professional services to
 23 patients; in this paragraph, "sexual misconduct" includes sexual contact, as defined by
 24 the board in regulations adopted under this chapter, or attempted sexual contact with a
 25 patient outside the scope of generally accepted methods of examination or treatment of
 26 the patient, regardless of the patient's consent or lack of consent, during the term of the
 27 physician-patient relationship, as defined by the board in regulations adopted under
 28 this chapter, unless the patient was the licensee's spouse at the time of the contact or,
 29 immediately preceding the physician-patient relationship, was in a dating, courtship,
 30 or engagement relationship with the licensee;

31 (10) has violated AS 18.16.010;

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

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

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

12 (14) prescribed or dispensed an opioid in excess of the maximum
13 dosage authorized under AS 08.64.363.

14 * **Sec. 15.** AS 08.64 is amended by adding a new section to article 3 to read:

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

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

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

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

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

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

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

12 (3) the treatment of a patient's substance abuse or opioid dependence;
 13 the licensee may write a prescription for an opioid approved for the treatment of
 14 substance abuse or opioid dependence for the quantity needed to treat the patient's
 15 substance abuse or opioid dependence; the licensee shall document in the patient's
 16 medical record the reason for the prescription of an opioid approved for the treatment
 17 of substance abuse or opioid dependence in a quantity that exceeds a seven-day supply
 18 and indicate that a nonopioid alternative was not appropriate for the treatment of
 19 substance abuse or opioid dependence.

20 (c) In this section,

21 (1) "adult" means

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

23 (B) an emancipated minor;

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

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

28 * **Sec. 16.** AS 08.64.364(c) is amended to read:

29 (c) The board may not impose disciplinary sanctions on a physician for
 30 prescribing, dispensing, or administering a prescription drug that is a controlled
 31 substance or botulinum toxin if the requirements under (a) of this section **and**

1 **AS 08.64.363** are met and the physician prescribes, dispenses, or administers the
 2 controlled substance or botulinum toxin when an appropriate licensed health care
 3 provider is present with the patient to assist the physician with examination, diagnosis,
 4 and treatment.

5 * **Sec. 17.** AS 08.64.380 is amended by adding a new paragraph to read:

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

8 * **Sec. 18.** AS 08.68.100(a), as amended by sec. 10, ch. 25, SLA 2016, is amended to read:

9 (a) The board shall

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

12 (A) pertaining to practice as an advanced practice registered
 13 nurse, including requirements for an advanced practice registered nurse to
 14 practice as a certified registered nurse anesthetist, certified clinical nurse
 15 specialist, certified nurse practitioner, or certified nurse midwife; **regulations**
 16 **for an advanced practice registered nurse who holds a valid federal Drug**
 17 **Enforcement Administration registration number must address training**
 18 **in pain management and opioid use and addiction;**

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

22 (C) pertaining to retired nurse status; and

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

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

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

30 (4) approve education programs that meet the requirements of this
 31 chapter and of the board, and deny, revoke, or suspend approval of education

1 programs for failure to meet the requirements;

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

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

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

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

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

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

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

23 * **Sec. 19.** AS 08.68.270 is amended to read:

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

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

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

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

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

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

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

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

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

12 (9) is professionally incompetent;

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

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

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

21 * **Sec. 20.** AS 08.68.276 is amended to read:

22 **Sec. 08.68.276. Continuing competence required.** A license to practice
23 nursing may not be renewed unless the nurse has complied with continuing
24 competence requirements established by the board by regulation. **The board shall**
25 **adopt regulations for renewal of a license of an advanced practice registered**
26 **nurse. The regulations must require that a licensee receive not less than two**
27 **hours of education in pain management and opioid use and addiction in the two**
28 **years preceding an application for renewal of a license unless the licensee has**
29 **demonstrated to the satisfaction of the board that the licensee does not currently**
30 **hold a valid federal Drug Enforcement Administration registration number.**

31 * **Sec. 21.** AS 08.68 is amended by adding a new section to article 6 to read:

1 **Sec. 08.68.705. Maximum dosage for opioid prescriptions.** (a) An advanced
2 practice registered nurse 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 an advanced practice registered nurse writes a prescription for an
7 opioid for a minor, the advanced practice registered nurse shall discuss with the parent
8 or guardian of the minor why the prescription is necessary and the risks associated
9 with opioid use.

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

14 (1) the patient's acute medical condition, chronic pain management,
15 pain associated with cancer, or pain experienced while the patient is in palliative care;
16 the advanced practice registered nurse may write a prescription for an opioid for the
17 quantity needed to treat the patient's medical condition, chronic pain, pain associated
18 with cancer, or pain experienced while the patient is in palliative care; the advanced
19 practice registered nurse shall document in the patient's medical record the condition
20 triggering the prescription of an opioid in a quantity that exceeds a seven-day supply
21 and indicate that a nonopioid alternative was not appropriate to address the medical
22 condition; or

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

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

5 (d) In this section,

6 (1) "adult" means

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

8 (B) an emancipated minor;

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

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

13 * **Sec. 22.** AS 08.68.850 is amended by adding a new paragraph to read:

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

16 * **Sec. 23.** AS 08.72.140 is amended to read:

17 **Sec. 08.72.140. Qualifications for licensure.** An applicant for licensure as an
 18 optometrist

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

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

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

29 (4) shall have successfully completed

30 (A) the written and practical portions of an examination on
 31 ocular pharmacology approved by the board that tests the licensee's or

1 applicant's knowledge of the characteristics, pharmacological effects,
 2 indications, contraindications, and emergency care associated with the
 3 prescription and use of pharmaceutical agents;

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

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

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

15 * **Sec. 24.** AS 08.72.170 is amended to read:

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

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

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

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

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

31 (5) was engaged in the active licensed clinical practice of optometry in

1 a state or territory of the United States or in a province of Canada for at least 3,120
2 hours during the 36 months preceding the date of application under this section;

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

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

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

17 * Sec. 25. AS 08.72.181(d) is amended to read:

18 (d) Before a license may be renewed, the licensee shall submit to the board
19 evidence that, in the **two** [FOUR] years preceding the application for renewal, the
20 licensee has

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

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

26 (3) **completed at least two hours of education in pain management**
27 **and opioid use and addiction, unless the applicant has demonstrated to the**
28 **satisfaction of the board that the applicant does not currently hold a valid federal**
29 **Drug Enforcement Administration registration number; and**

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

1 * **Sec. 26.** AS 08.72.240 is amended to read:

2 **Sec. 08.72.240. Grounds for imposition of disciplinary sanctions.** The board
3 may impose disciplinary sanctions when the board finds after a hearing that a licensee

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

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

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

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

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

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

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

18 (A) professional incompetence;

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

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

23 (D) physical or mental disability;

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

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

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

31 * **Sec. 27.** AS 08.80.030(b), as amended by sec. 12, ch. 25, SLA 2016, is amended to read:

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

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

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

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

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

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

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

17 (7) establish for pharmacists and pharmacies minimum specifications
18 for the physical facilities, technical equipment, personnel, and procedures for the
19 storage, compounding, and dispensing of drugs or related devices, and for the
20 monitoring of drug therapy;

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

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

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

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

30 (12) establish standards for the independent administration by a
31 pharmacist of vaccines and related emergency medications under AS 08.80.168,

1 including the completion of an immunization training program approved by the board;

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

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

8 * **Sec. 28.** AS 08.80 is amended by adding a new section to article 3 to read:

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

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

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

17 (a) The board shall

18 (1) establish examination requirements for eligible applicants for
19 licensure to practice veterinary medicine;

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

22 (3) approve the issuance of licenses and student permits to qualified
23 applicants;

24 (4) establish standards for the practice of veterinary medicine by
25 regulation;

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

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

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

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

4 (9) establish, by regulation, educational and training requirements for
 5 (A) the issuance of student permits; and
 6 (B) the delegation of duties by veterinarians licensed under this
 7 chapter to veterinary technicians;

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

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

14 * **Sec. 30.** AS 08.98.235 is amended to read:

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

18 (1) secured a license through deceit, fraud, or intentional
 19 misrepresentation;

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

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

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

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

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

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

- 1 (A) professional incompetence;
- 2 (B) addiction or severe dependency on alcohol or other drugs
- 3 which impairs the person's ability to practice safely;
- 4 (C) physical or mental disability;
- 5 (8) engaged in lewd or immoral conduct in connection with the
- 6 delivery of professional service;
- 7 **(9) procured, sold, prescribed, or dispensed drugs in violation of a**
- 8 **law, regardless of whether there has been a criminal action.**

9 * **Sec. 31.** AS 11.71.900(19) is amended to read:

10 (19) "practitioner" means

- 11 (A) a physician, dentist, **advanced practice registered nurse,**
- 12 veterinarian, scientific investigator, or other person licensed, registered, or
- 13 otherwise permitted to distribute, dispense, conduct research with respect to, or
- 14 to administer or use in teaching or chemical analysis a controlled substance in
- 15 the course of professional practice or research in the state;
- 16 (B) a pharmacy, hospital, or other institution licensed,
- 17 registered, or otherwise permitted to distribute, dispense, conduct research with
- 18 respect to, or to administer a controlled substance in the course of professional
- 19 practice or research in the state;

20 * **Sec. 32.** AS 13 is amended by adding a new chapter to read:

21 **Chapter 55. Voluntary Nonopioid Directive Act.**

22 **Sec. 13.55.010. Nonopioid directive; revocation; other requirements.** (a)

23 An individual who is 18 years of age or older may execute a voluntary nonopioid

24 directive stating that an opioid may not be administered or prescribed to the

25 individual. The directive must be in a format prescribed by the department and

26 available in an electronic format.

27 (b) The commissioner of health and social services shall adopt regulations to

28 implement this chapter. The regulations must

- 29 (1) include verification by a health care provider and comply with the
- 30 written consent requirements under 42 U.S.C. 290dd-2(b);
- 31 (2) provide standard procedures for an individual to submit a voluntary

1 nonopioid directive to a health care provider or hospital;

2 (3) include appropriate exemptions for emergency medical personnel;

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

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

6 (c) An individual may revoke a voluntary nonopioid directive at any time in
7 writing or orally. An individual's guardian, conservator, or other person appointed by
8 the individual or a court to manage the individual's health care

9 (1) may revoke an individual's voluntary nonopioid directive at any
10 time, in writing or orally;

11 (2) may not execute a voluntary nonopioid directive on behalf of the
12 individual.

13 (d) An individual may submit a voluntary nonopioid directive to a health care
14 provider or a hospital.

15 **Sec. 13.55.020. Obligations of health care providers and hospitals.** A health
16 care provider, a hospital, or an employee of a health care provider or hospital may not
17 be subject to disciplinary action by the health care provider's or the employee's
18 professional licensing board or held civilly or criminally liable for failure to
19 administer, prescribe, or dispense an opioid, or for inadvertent administration of an
20 opioid, to an individual who has executed a voluntary nonopioid directive.

21 **Sec. 13.55.030. Prescriptions presumed valid.** A prescription presented to a
22 pharmacy is presumed to be valid, and a pharmacist may not be subject to disciplinary
23 action by the pharmacist's professional licensing board or held civilly or criminally
24 liable for dispensing a controlled substance in contradiction to an individual's
25 voluntary nonopioid directive.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (1) the name of the prescribing practitioner and the practitioner's

1 federal Drug Enforcement Administration registration number or other appropriate
2 identifier;

3 (2) the date of the prescription;

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

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

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

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

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

12 and

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

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

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

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

27 (2) the date of the prescription;

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

31 (4) the name, address, and date of birth of the person for whom the

1 prescription was written;

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

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

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

5 and

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

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

9 (d) The database and the information contained within the database are
10 confidential, are not public records, **and** are not subject to public disclosure [, AND
11 MAY NOT BE SHARED WITH THE FEDERAL GOVERNMENT]. The board shall
12 undertake to ensure the security and confidentiality of the database and the
13 information contained within the database. The board may allow access to the
14 database only to the following persons, and in accordance with the limitations
15 provided and regulations of the board:

16 (1) personnel of the board regarding inquiries concerning licensees or
17 registrants of the board or personnel of another board or agency concerning a
18 practitioner under a search warrant, subpoena, or order issued by an administrative law
19 judge or a court;

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

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

28 (4) a licensed or registered pharmacist having authority to dispense
29 controlled substances or an agent or employee of the pharmacist whom the pharmacist
30 has authorized to access the database on the pharmacist's behalf, to the extent the
31 information relates specifically to a current patient to whom the pharmacist is

1 dispensing or considering dispensing a controlled substance; the agent or employee
2 must be licensed or registered under AS 08;

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

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

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

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

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

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

29 (11) a practitioner, pharmacist, or clinical staff employed by an Alaska
30 tribal health organization, including commissioned corps officers of the United States
31 Public Health Service employed under a memorandum of agreement; in this

1 paragraph, "Alaska tribal health organization" has the meaning given to "tribal health
2 program" in 25 U.S.C. 1603.

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

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

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

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

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

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

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

23 **(2) is confidential;**

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

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

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

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

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

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

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

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

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

14 (1) administered to a patient at

15 (A) a health care facility; or

16 (B) a correctional facility;

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

19 (A) inpatient pharmacy; or

20 (B) emergency department.

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

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

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

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

27 (3) protection and promotion of the public health and prevention of
 28 disability and mortality;

29 (4) the transportation of dead bodies, except that the commissioner
 30 may not require that a dead body be embalmed unless the body is known to carry a
 31 communicable disease or embalmment is otherwise required for the protection of the

1 public health or for compliance with federal law;

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

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

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

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

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

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

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

18 **Act).**

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

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

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

26 (b) The Department of Commerce, Community, and Economic Development and a
27 board that regulates an occupation that includes a practitioner required to register with the
28 controlled substance prescription database under AS 17.30.200 shall adopt regulations to
29 implement the changes made by AS 17.30.200(b), as amended by sec. 35 of this Act, and
30 AS 17.30.200(r), as amended by sec. 40 of this Act. The regulations take effect under
31 AS 44.62 (Administrative Procedure Act), but not before the effective date of the relevant

1 provision of secs. 35 and 40 of this Act implemented by the regulation. In this subsection,

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

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

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

5 (c) The Board of Dental Examiners may adopt regulations necessary to implement the
6 changes made by secs. 1 and 2 of this Act. The regulations take effect under AS 44.62
7 (Administrative Procedure Act), but not before the effective date of the relevant provision of
8 secs. 1 and 2 of this Act implemented by the regulation.

9 (d) The State Medical Board may adopt regulations necessary to implement the
10 changes made by secs. 6 - 13 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. 6 - 13 of this Act implemented by the regulation.

13 (e) The Board of Nursing may adopt regulations necessary to implement the changes
14 made by secs. 18 and 20 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. 18 and 20 of this Act implemented by the regulation.

17 (f) The Board of Examiners in Optometry may adopt regulations necessary to
18 implement the changes made by secs. 23 - 25 of this Act. The regulations take effect under
19 AS 44.62 (Administrative Procedure Act), but not before the effective date of the relevant
20 provision of secs. 23 - 25 of this Act implemented by the regulation.

21 * **Sec. 46.** Section 27 of this Act takes effect on the effective date of sec. 12, ch. 25, SLA
22 2016.

23 * **Sec. 47.** Section 33 of this Act takes effect on the effective date of sec. 21, ch. 25, SLA
24 2016.

25 * **Sec. 48.** Section 34 of this Act takes effect on the effective date of sec. 23, ch. 25, SLA
26 2016.

27 * **Sec. 49.** Section 36 of this Act takes effect on the effective date of sec. 25, ch. 25, SLA
28 2016.

29 * **Sec. 50.** Section 37 of this Act takes effect on the effective date of sec. 27, ch. 25, SLA
30 2016.

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

1 SLA 2016.

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

3 SLA 2016.

4 * **Sec. 53.** Sections 1, 2, 6 - 13, 18, 20, 23 - 25, 35, and 40 of this Act take effect July 1,

5 2018.

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

7 * **Sec. 55.** Except as provided in secs. 46 - 54 of this Act, this Act takes effect immediately

8 under AS 01.10.070(c).