

OPIOID ABUSE PREVENTION AND TREATMENT

AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Brian E. Shiozawa

Cosponsors:	Craig Hall	Michael E. Noel
Rebecca Chavez-Houck	Sandra Hollins	
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LONG TITLE

General Description:

This bill requires controlled substance prescribers to receive training in a nationally recognized opioid abuse screening method and requires reimbursement for the screening services.

Highlighted Provisions:

This bill:

- ▶ requires controlled substance prescribers to receive training in a nationally recognized opioid abuse screening method;
- ▶ permits controlled substance prescribers to fulfill continuing education requirements through training in the screening method;
- ▶ permits controlled substance prescribers who receive a DATA 2000 waiver to use the waiver to fulfill certain continuing education requirements;
- ▶ requires Medicaid reimbursement to health care providers for screening services;
- ▶ requires the Public Employees' Benefit and Insurance Program to reimburse health care providers for screening services; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **58-37-6.5**, as repealed and reenacted by Laws of Utah 2013, Chapter 450

35 ENACTS:

36 **26-18-21**, Utah Code Annotated 1953

37 **49-20-414**, Utah Code Annotated 1953



39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **26-18-21** is enacted to read:

41 **26-18-21. Screening, Brief Intervention, and Referral to Treatment Medicaid**
42 **reimbursement.**

43 (1) As used in this section:

44 (a) "Controlled substance prescriber" means a controlled substance prescriber, as that
45 term is defined in Section **58-37-6.5**, who:

46 (i) has a record of having completed SBIRT training, in accordance with Subsection
47 **58-37-6.5**(2), before providing the SBIRT services; and

48 (ii) is a Medicaid enrolled health care provider.

49 (b) "SBIRT" means the same as that term is defined in Section **58-37-6.5**.

50 (2) The department shall reimburse a controlled substance prescriber who provides
51 SBIRT services to a Medicaid enrollee who is 13 years of age or older for the SBIRT services.

52 Section 2. Section **49-20-414** is enacted to read:

53 **49-20-414. Screening, Brief Intervention, and Referral to Treatment program**
54 **reimbursement.**

55 (1) As used in this section:

56 (a) "Controlled substance prescriber" means a controlled substance prescriber, as that

57 term is defined in Section 58-37-6.5, who:

58 (i) has a record of having completed SBIRT training, in accordance with Subsection
59 58-37-6.5(2), before providing the SBIRT services; and

60 (ii) is a program enrolled controlled substance prescriber.

61 (b) "SBIRT" means the same as that term is defined in Section 58-37-6.5.

62 (2) The health program offered to the state employee risk pool under Section
63 49-20-202 shall reimburse a controlled substance prescriber who provides SBIRT services to a
64 covered individual who is 13 years of age or older for the SBIRT services.

65 Section 3. Section 58-37-6.5 is amended to read:

66 **58-37-6.5. Continuing education for controlled substance prescribers.**

67 (1) For the purposes of this section:

68 (a) "Controlled substance prescriber" means an individual, other than a veterinarian,
69 who:

70 (i) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah
71 Controlled Substances Act; and

72 (ii) possesses the authority, in accordance with the individual's scope of practice, to
73 prescribe schedule II controlled substances and schedule III controlled substances that are
74 applicable to opioid narcotics, hypnotic depressants, or psychostimulants.

75 (b) "D.O." means an osteopathic physician and surgeon licensed under Title 58,
76 Chapter 68, Utah Osteopathic Medical Practice Act.

77 ~~[(b)]~~ (c) "FDA" means the United States Food and Drug Administration.

78 ~~[(c)]~~ (d) "M.D." means a physician and surgeon licensed under Title 58, Chapter 67,
79 Utah Medical Practice Act.

80 ~~[(d)] "D.O." means an osteopathic physician and surgeon licensed under Title 58,~~
81 ~~Chapter 68, Utah Osteopathic Medical Practice Act.]~~

82 (e) "SBIRT" means the Screening, Brief Intervention, and Referral to Treatment
83 approach used by the federal Substance Abuse and Mental Health Services Administration or
84 defined by the division, in consultation with the Division of Substance Abuse and Mental

85 Health, by administrative rule, in accordance with Title 63G, Chapter 3, Utah Administrative
86 Rulemaking Act.

87 (2) (a) Beginning with the licensing period that begins after January 1, 2014, as a
88 condition precedent for license renewal, each controlled substance prescriber shall complete at
89 least four continuing education hours per licensing period that satisfy the requirements of
90 Subsections (3) and (4).

91 (b) (i) Beginning with the licensing period that begins after January 1, 2024, as a
92 condition precedent for license renewal, each controlled substance prescriber shall complete at
93 least 3.5 continuing education hours in an SBIRT-training class that satisfies the requirements
94 of Subsection (5).

95 (ii) Completion of the SBIRT-training class, in compliance with Subsection (2)(b)(i),
96 fulfills the continuing education hours requirement in Subsection (4) for the licensing period in
97 which the class was completed.

98 (iii) A controlled substance prescriber:

99 (A) need only take the SBIRT-training class once during the controlled substance
100 prescriber's licensure in the state; and

101 (B) shall provide a completion record of the SBIRT-training class in order to be
102 reimbursed for SBIRT services to patients, in accordance with Section [26-18-21](#) and Section
103 [49-20-414](#).

104 (3) As provided in Subsection [58-37f-402\(8\)](#), the online tutorial and passing the online
105 test described in Section [58-37f-402](#) shall count as 1/2 hour of continuing professional
106 education under Subsection (2) per licensing period.

107 (4) A controlled substance prescriber shall complete at least 3.5 hours of continuing
108 education [~~hours~~] in one or more controlled substance prescribing classes, except dentists who
109 shall complete at least [~~2-such~~] two hours, that satisfy the requirements of Subsections (5) and
110 (7).

111 (5) A controlled substance prescribing class shall:

112 (a) satisfy the division's requirements for the continuing education required for the

113 renewal of the controlled substance prescriber's respective license type;

114 (b) be delivered by an accredited or approved continuing education provider
115 recognized by the division as offering continuing education appropriate for the controlled
116 substance prescriber's respective license type; and

117 (c) include a postcourse knowledge assessment.

118 (6) An M.D. or D.O. completing continuing professional education hours under
119 Subsection (4) shall complete those hours in classes that qualify for the American Medical
120 Association Physician's Recognition Award Category 1 Credit.

121 (7) The 3.5 hours of the controlled substance prescribing classes under Subsection (4)
122 shall include educational content covering the following:

123 (a) the scope of the controlled substance abuse problem in Utah and the nation;

124 (b) all elements of the FDA Blueprint for Prescriber Education under the FDA's
125 Extended-Release and Long-Acting Opioid Analgesics Risk Evaluation and Mitigation
126 Strategy, as published July 9, 2012, or as it may be subsequently revised;

127 (c) the national and Utah-specific resources available to prescribers to assist in
128 appropriate controlled substance and opioid prescribing;

129 (d) patient record documentation for controlled substance and opioid prescribing; and

130 (e) office policies, procedures, and implementation.

131 (8) (a) The division, in consultation with the Utah Medical Association Foundation,
132 shall determine whether a particular controlled substance prescribing class satisfies the
133 educational content requirements of Subsections (5) and (7) for an M.D. or D.O.

134 (b) The division, in consultation with the applicable professional licensing boards,
135 shall determine whether a particular controlled substance prescribing class satisfies the
136 educational content requirements of Subsections (5) and (7) for a controlled substance
137 prescriber other than an M.D. or D.O.

138 (c) The division may by rule establish a committee that may audit compliance with the
139 Utah Risk Evaluation and Mitigation Strategy (REMS) Educational Programming Project
140 grant, that satisfies the educational content requirements of Subsections (5) and (7) for a

141 controlled substance prescriber.

142 (9) A controlled substance prescribing class required under this section:

143 (a) may be held:

144 (i) in conjunction with other continuing professional education programs; and

145 (ii) online; and

146 (b) does not increase the total number of state-required continuing professional

147 education hours required for prescriber licensing.

148 (10) The division may establish rules, in accordance with Title 63G, Chapter 3, Utah

149 Administrative Rulemaking Act, to implement this section.

150 (11) A controlled substance prescriber who, on or after July 1, 2017, obtains a waiver

151 to treat opioid dependency with narcotic medications, in accordance with the Drug Addiction

152 Treatment Act of 2000, 21 U.S.C. Sec. 823 et seq., may use the waiver to satisfy the 3.5 hours

153 of the continuing education requirement under Subsection (4) for two consecutive licensing

154 periods.