

CONTINUING EDUCATION FOR PRESCRIPTION DRUGS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patricia W. Jones

House Sponsor: _____

LONG TITLE

General Description:

This bill establishes the continuing education requirements for controlled substance prescribers under the Utah Controlled Substances Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires certain controlled substance prescribers to complete at least four hours of continuing education as a requisite for license renewal;
- ▶ requires that at least 3.5 hours of the required continuing education hours be completed in controlled substance prescribing classes;
- ▶ establishes criteria for controlled substance prescribing classes recognized by the Division of Occupational and Professional Licensing (DOPL);
- ▶ directs DOPL to consult with other applicable departments and associations when determining whether classes for controlled substance prescribers with a specific license type meet established criteria;
- ▶ grants rulemaking authority to DOPL; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **58-37f-402**, as last amended by Laws of Utah 2012, Chapter 370

32 REPEALS AND REENACTS:

33 **58-37-6.5**, as last amended by Laws of Utah 2012, Chapter 370



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

36 Section 1. Section **58-37-6.5** is repealed and reenacted to read:

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

38 (1) For the purposes of this section:

39 (a) "Controlled substance prescriber" means an individual, other than a veterinarian,

40 who:

41 (i) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah

42 Controlled Substances Act; and

43 (ii) possesses the authority, in accordance with the individual's scope of practice, to

44 prescribe Schedule II controlled substances, Schedule III controlled substances, opioid

45 narcotics, hypnotic depressants, or psychostimulants.

46 (b) "FDA" means the United States Food and Drug Administration.

47 (c) "Physician" means:

48 (i) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical Practice

49 Act; or

50 (ii) an osteopathic physician and surgeon licensed under Title 58, Chapter 68, Utah

51 Osteopathic Medical Practice Act.

52 (2) Beginning with the licensing period that begins after January 1, 2014, for the

53 respective controlled substance prescriber and as a condition precedent for license renewal,

54 each controlled substance prescriber shall complete at least four continuing education hours per

55 licensing period that satisfy the requirements of Subsections (3) and (4).

56 (3) As provided in Subsection 58-37f-402(8), completing the online tutorial and

57 passing the online test described in Section 58-37f-402 shall count as 1/2 hour of continuing

58 professional education under Subsection (2) per licensing period.

59 (4) A controlled substance prescriber shall report to the division at least 3.5 hours of
60 continuing education hours in one or more controlled substance prescribing classes that satisfy
61 the requirements of Subsection (5).

62 (5) A controlled substance prescribing class shall:

63 (a) satisfy the division's requirements for the continuing education required for the
64 renewal of the controlled substance prescriber's respective license type;

65 (b) be delivered by an accredited continuing education provider recognized by the
66 division as offering continuing education appropriate for the controlled substance prescriber's
67 respective license type;

68 (c) include a postcourse knowledge assessment; and

69 (d) be subject to an independent content audit and in compliance with applicable
70 accrediting standards.

71 (6) A physician completing continuing professional education hours under Subsection
72 (4) shall complete those hours in classes that qualify for the American Medical Association
73 Physician's Recognition Award Category 1 Credit.

74 (7) At least one of the controlled substance prescribing classes under Subsection (4)
75 shall include educational content covering each of the following:

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

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

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

82 (d) medical record documentation for controlled substance and opioid prescribing; and

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

84 (8) (a) The division, in consultation with the Utah Medical Association Foundation,
85 shall determine whether a particular controlled substance prescribing class satisfies the
86 educational content requirements of Subsections (5) and (7) for a physician.

87 (b) A committee established by the division by rule that complies with the Utah REMS
88 Educational Programming Project grant, shall determine whether a particular controlled
89 substance prescribing class satisfies the educational content requirements of Subsections (5)

90 and (7) for a controlled substance prescriber other than a physician.

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

92 (a) may be held:

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

94 (ii) online; and

95 (b) does not increase the total number of state-required continuing professional
96 education hours required for prescriber licensing.

97 (10) The division may establish rules, in accordance with Title 63G, Chapter 3, Utah
98 Administrative Rulemaking Act, to implement this section.

99 Section 2. Section **58-37f-402** is amended to read:

100 **58-37f-402. Online tutorial and test relating to the database -- Fees -- Rulemaking**
101 **authority -- Continuing professional education credit.**

102 (1) The division shall develop an online tutorial and an online test for registration to
103 use the database that provides instruction regarding, and tests, the following:

104 (a) the purpose of the database;

105 (b) how to access and use the database;

106 (c) the law relating to:

107 (i) the use of the database; and

108 (ii) the information submitted to, and obtained from, the database; and

109 (d) basic knowledge that is important for all people who prescribe controlled
110 substances to know in order to help ensure the health and safety of an individual to whom a
111 controlled substance is prescribed.

112 (2) The division shall design the test described in this section as follows:

113 (a) an individual shall answer all of the questions correctly in order to pass the test;

114 (b) an individual shall be permitted to immediately retake the portion of the test that
115 the individual answers incorrectly as many times as necessary for the individual to pass the test;
116 and

117 (c) after an individual takes the test, the test software shall:

118 (i) immediately inform the individual of the number of questions that were answered
119 incorrectly;

120 (ii) provide the correct answers;

121 (iii) replay the portion of the tutorial that relates to the incorrectly answered questions;
122 and

123 (iv) ask the individual the incorrectly answered questions again.

124 (3) The division shall design the tutorial and test so that it is possible to take the
125 tutorial and complete the test in 20 minutes or less, if the individual answers all of the
126 questions correctly on the first attempt.

127 (4) The division shall ensure that the tutorial and test described in this section are fully
128 functional and available for use online on or before November 1, 2010.

129 (5) The division shall impose a fee, in accordance with Section 63J-1-504, on an
130 individual who takes the test described in this section, to pay the costs incurred by the division
131 to:

132 (a) develop, implement, and administer the tutorial and test described in this section;

133 and

134 (b) fulfill the other duties imposed on the division under this part.

135 (6) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
136 Administrative Rulemaking Act, to:

137 (a) develop, implement, and administer the tutorial and test described in this section;

138 and

139 (b) fulfill the other duties imposed on the division under this part.

140 (7) The Department of Health shall assist the division in developing the portion of the
141 test described in Subsection (1)(d).

142 (8) Completing the online tutorial and passing the online test described in this section
143 shall count as 1/2 hour of continuing professional education under Subsection
144 58-37-6.5[(1)(a)](2).

Legislative Review Note
as of 2-18-13 10:51 AM

Office of Legislative Research and General Counsel