

Effective 5/3/2023

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

(1) For the purposes of this section:

- (a) "Controlled substance prescriber" means an individual, other than a veterinarian, who:
 - (i) is licensed to prescribe a controlled substance under this chapter; and
 - (ii) possesses the authority, in accordance with the individual's scope of practice, to prescribe schedule II controlled substances and schedule III controlled substances that are applicable to opioid narcotics, hypnotic depressants, or psychostimulants.
- (b) "D.O." means an osteopathic physician and surgeon licensed under Chapter 68, Utah Osteopathic Medical Practice Act.
- (c) "FDA" means the United States Food and Drug Administration.
- (d) "M.D." means a physician and surgeon licensed under Chapter 67, Utah Medical Practice Act.
- (e) "SBIRT" means the Screening, Brief Intervention, and Referral to Treatment approach used by the federal Substance Abuse and Mental Health Services Administration or defined by the division, in consultation with the Office of Substance Use and Mental Health, by administrative rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2)

- (a) Beginning with the licensing period that begins after January 1, 2014, as a condition precedent for license renewal, each controlled substance prescriber shall complete at least 3.5 continuing education hours per licensing period that satisfy the requirements of Subsection (3).

(b)

- (i) Beginning with the licensing period that begins after January 1, 2024, as a condition precedent for license renewal, each controlled substance prescriber shall complete at least 3.5 continuing education hours in an SBIRT-training class that satisfies the requirements of Subsection (4).
 - (ii) Completion of the SBIRT-training class, in compliance with Subsection (2)(b)(i), fulfills the continuing education hours requirement in Subsection (3) for the licensing period in which the class was completed.
 - (iii) A controlled substance prescriber:
 - (A) need only take the SBIRT-training class once during the controlled substance prescriber's licensure in the state; and
 - (B) shall provide a completion record of the SBIRT-training class in order to be reimbursed for SBIRT services to patients, in accordance with Sections 26B-3-131 and 49-20-416.
- (3) A controlled substance prescriber shall complete at least 3.5 hours of continuing education in one or more controlled substance prescribing classes, except dentists who shall complete at least two hours, that satisfy the requirements of Subsections (4) and (6).
- (4) A controlled substance prescribing class shall:
 - (a) satisfy the division's requirements for the continuing education required for the renewal of the controlled substance prescriber's respective license type;
 - (b) be delivered by an accredited or approved continuing education provider recognized by the division as offering continuing education appropriate for the controlled substance prescriber's respective license type; and
 - (c) include a postcourse knowledge assessment.
- (5) An M.D. or D.O. completing continuing professional education hours under Subsection (4) shall complete those hours in classes that qualify for the American Medical Association Physician's Recognition Award Category 1 Credit.

- (6) The 3.5 hours of the controlled substance prescribing classes under Subsection (4) shall include educational content covering the following:
- (a) the scope of the controlled substance abuse problem in Utah and the nation;
 - (b) all elements of the FDA Blueprint for Prescriber Education under the FDA's Extended-Release and Long-Acting Opioid Analgesics Risk Evaluation and Mitigation Strategy, as published July 9, 2012, or as it may be subsequently revised;
 - (c) the national and Utah-specific resources available to prescribers to assist in appropriate controlled substance and opioid prescribing;
 - (d) patient record documentation for controlled substance and opioid prescribing;
 - (e) office policies, procedures, and implementation; and
 - (f) some training regarding medical cannabis, as that term is defined in Section 26B-4-201.
- (7)
- (a) The division, in consultation with the Utah Medical Association Foundation, shall determine whether a particular controlled substance prescribing class satisfies the educational content requirements of Subsections (4) and (6) for an M.D. or D.O.
 - (b) The division, in consultation with the applicable professional licensing boards, shall determine whether a particular controlled substance prescribing class satisfies the educational content requirements of Subsections (4) and (6) for a controlled substance prescriber other than an M.D. or D.O.
 - (c) The division may by rule establish a committee that may audit compliance with the Utah Risk Evaluation and Mitigation Strategy (REMS) Educational Programming Project grant, that satisfies the educational content requirements of Subsections (4) and (6) for a controlled substance prescriber.
 - (d) The division shall consult with the Department of Health and Human Services regarding the medical cannabis training described in Subsection (6)(f).
- (8) A controlled substance prescribing class required under this section:
- (a) may be held:
 - (i) in conjunction with other continuing professional education programs; and
 - (ii) online; and
 - (b) does not increase the total number of state-required continuing professional education hours required for prescriber licensing.
- (9) The division may establish rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this section.
- (10) A controlled substance prescriber who, on or after July 1, 2017, obtains a waiver to treat opioid dependency with narcotic medications, in accordance with the Drug Addiction Treatment Act of 2000, 21 U.S.C. Sec. 823 et seq., may use the waiver to satisfy the 3.5 hours of the continuing education requirement under Subsection (3) for two consecutive licensing periods.

Amended by Chapter 329, 2023 General Session