

Senator Patricia W. Jones proposes the following substitute bill:

CONTROLLED SUBSTANCES PRESCRIBER TRAINING

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patricia W. Jones

House Sponsor: Brad R. Wilson

LONG TITLE

General Description:

This bill amends the Utah Controlled Substances Act and the Controlled Substance Database Act.

Highlighted Provisions:

This bill:

- ▶ amends the effective date for controlled substances prescriber education requirements;
- ▶ exempts optometrists ~~§~~ , dentists, ~~←§~~ and naturopathic physicians from controlled substances prescriber education requirements;
- ▶ provides that completing the controlled substance database online tutorial and online test counts as 1/2 hour of continuing professional education on controlled substances prescribing; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **58-37-6.5**, as enacted by Laws of Utah 2011, Chapter 71

28 **58-37f-402**, as enacted by Laws of Utah 2010, Chapter 287

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

31 Section 1. Section **58-37-6.5** is amended to read:

32 **58-37-6.5. Continuing professional education for controlled substance**
 33 **prescribers.**

34 (1) (a) (i) [~~Beginning on July 1, 2012, each~~] Except as provided in Subsection
 35 (1)(a)(ii), beginning January 1, 2013, an individual[~~other than a veterinarian,~~] who has a
 36 license to prescribe a controlled substance under Title 58, Chapter 37, Utah Controlled
 37 Substances Act, shall complete at least four continuing professional education hours in
 38 approved controlled substance prescribing classes per licensing period.

39 (ii) Subsection (1)(a)(i) does not apply to:

40 (A) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;

41 (B) a veterinarian licensed under Title 58, Chapter 28, Veterinary Practice Act; ~~§~~→ [or]

41a ~~←~~§

42 (C) ~~§~~→ a dentist licensed under Title 58, Chapter 69, Dentist and Dental Hygienist
 42a Practice Act; or

42b (D) ~~←~~§ a naturopathic physician licensed under Title 58, Chapter 71, Naturopathic
 43 Physician Practice Act.

44 (b) [~~Any~~] A controlled substance prescribing class under this section shall:

45 (i) qualify for the [~~AMA-PRA~~] American Medical Association Physician's Recognition
 46 Award Category 1 Credit;

47 (ii) be presented by an organization accredited to provide continuing medical education
 48 by:

49 (A) the Accreditation Council for Continuing Medical Education;

50 (B) the Utah Medical Association; or

51 (C) another recognized state continuing medical education accrediting body; and

52 (iii) be approved by:

53 (A) the recognized state continuing medical education accrediting body; and

54 (B) the division.

55 (2) The division, by rule and in consultation with the applicable practitioner licensing
 56 boards and the recognized state continuing medical education accrediting body, shall establish

57 educational content for ~~any~~ controlled substance prescribing ~~class~~ classes under this section.

58 The content shall include materials such as:

59 (a) use of the state controlled substance database;

60 (b) specific pharmacology;

61 (c) abuse, dependence, and addictive properties and toxicity of certain controlled
62 substances, which may include opioid narcotics, hypnotic depressants, and psychostimulants;
63 and

64 (d) other applicable content as determined by the division and established by rule.

65 (3) A controlled substance prescribing class required under this section:

66 (a) may be held:

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

68 (ii) online;

69 (b) does not increase the total number of state-required continuing professional
70 education hours required for prescriber licensing; and

71 (c) shall be reported by an individual as part of the continuing professional education
72 required for licensing.

73 (4) As provided in Subsection 58-37f-402(8), completing the online tutorial and
74 passing the online test described in Section 58-37f-402 shall count as 1/2 hour of continuing
75 professional education under Subsection (1)(a).

76 ~~(4)~~ (5) The division may establish rules, in accordance with Title 63G, Chapter 3,
77 Utah Administrative Rulemaking Act, to implement this section.

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

79 **58-37f-402. Online tutorial and test relating to the database -- Fees -- Rulemaking**
80 **authority -- Continuing professional education credit.**

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

83 (a) the purpose of the database;

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

85 (c) the law relating to:

86 (i) the use of the database; and

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

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

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

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

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

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

97 (i) immediately inform the individual of the number of questions that were answered
98 incorrectly;

99 (ii) provide the correct answers;

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

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

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

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

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

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

112 and

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

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

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

117 and

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

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

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