

SB0127S01 compared with SB0127

~~{deleted text}~~ shows text that was in SB0127 but was deleted in SB0127S01.

inserted text shows text that was not in SB0127 but was inserted into SB0127S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

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: _____

LONG TITLE

General Description:

This bill amends the Utah Controlled Substances Act and the ~~{Utah Health Code}~~ Controlled Substance Database Act.

Highlighted Provisions:

This bill:

- ~~{~~ → prohibits the Department of Health from requiring a health care provider to complete more than 1/2 hour of education per licensing period on the appropriate management of chronic pain;
- provides that the education counts toward continuing professional education on controlled substances prescribing;
- } → amends the effective date for controlled substances prescriber education requirements;

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- ▶ exempts optometrists 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:

AMENDS:

~~{26-1-36, as last amended by Laws of Utah 2010, Chapter 287~~

———}58-37-6.5, as enacted by Laws of Utah 2011, Chapter 71

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

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

Section 1. Section ~~{26-1-3}~~58-37-6.5 is amended to read:

~~{~~——— **26-1-36. Duty to establish program to reduce deaths and other harm from prescription opiates used for chronic noncancer pain.**

——— (1) As used in this section, "opiate" means any drug or other substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability.

——— (2) (a) In addition to the duties listed in Section 26-1-30, the department shall develop and implement a two-year program in coordination with the Division of Professional Licensing, the Utah Labor Commission, and the Utah attorney general, to:

——— [(a)] (i) investigate the causes of and risk factors for death and nonfatal complications of prescription opiate use and misuse in Utah for chronic pain by utilizing the Utah Controlled Substance Database created in Section 58-37f-201;

——— [(b)] (ii) study the risks, warning signs, and solutions to the risks associated with prescription opiate medications for chronic pain, including risks and prevention of misuse and

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~~diversion of those medications;~~

~~—— [(c)] (iii) provide education to health care providers, patients, insurers, and the general public on the appropriate management of chronic pain, including the effective use of medical treatment and quality care guidelines that are scientifically based and peer reviewed; and~~

~~—— [(d)] (iv) educate the public regarding:~~

~~—— [(i)] (A) the purpose of the Controlled Substance Database established in Section 58-37f-201; and~~

~~—— [(ii)] (B) the requirement that a person's name and prescription information be recorded on the database when the person fills a prescription for a schedule II, III, IV, or V controlled substance:~~

~~—— (b) (i) The program developed under Subsection (2)(a) may not require health care providers to complete more than 1/2 hour of continuing professional education each licensing period to satisfy Subsection (2)(a)(iii):~~

~~—— (ii) Continuing professional education satisfying Subsection (2)(a)(iii) shall count toward the continuing professional education required under Section 58-37-6.5.~~

~~—— (3) The department shall report on the development and implementation of the program required in Subsection (2) to the legislative Health and Human Services Interim Committee and the legislative Business and Labor Interim Committee no later than the November interim meetings in 2008 and 2009. Each report shall include:~~

~~—— (a) recommendations on:~~

~~—— (i) use of the Utah Controlled Substance Database created in Section 58-37f-201 to identify and prevent:~~

~~—— (A) misuse of opiates;~~

~~—— (B) inappropriate prescribing; and~~

~~—— (C) adverse outcomes of prescription opiate medications;~~

~~—— (ii) interventions to prevent the diversion of prescription opiate medications; and~~

~~—— (iii) medical treatment and quality care guidelines that are:~~

~~—— (A) scientifically based; and~~

~~—— (B) peer reviewed; and~~

~~—— (b) (i) a measure of results against expectations under the program as of the date of the report; and~~

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~~—— (ii) an analysis of the application of the program, use of the appropriated funds, and the impact and results of the use of the funds.~~

~~—— (4) The report provided under Subsection (3) for the 2008 interim shall also provide a final cumulative analysis of the measurable effectiveness of the program implemented under this section.~~

~~—— Section 2. Section 58-37-6.5 is amended to read:~~

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

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

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

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

(B) a veterinarian licensed under Title 58, Chapter 28, Veterinary Practice Act; or

(C) a naturopathic physician licensed under Title 58, Chapter 71, Naturopathic

Physician Practice Act.

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

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

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

(A) the Accreditation Council for Continuing Medical Education;

(B) the Utah Medical Association; or

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

(iii) be approved by:

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

(B) the division.

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

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

The content shall include materials such as:

(a) use of the state controlled substance database;

(b) specific pharmacology;

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

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

(3) 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;

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

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

(4) As provided in Subsection ~~{26-1-36(2)(b)(ii)}~~, ~~58-37f-402(8)~~, completing the online tutorial and passing the online test described in Section 58-37f-402 shall count as 1/2 hour of continuing professional education ~~for chronic pain management~~ under Subsection ~~{26-1-36(2)}(1)(a){(iii)}~~ counts toward the continuing professional education hours required by this section.

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

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Legislative Review Note

— as of ~~1-23-12 11:35 AM~~

— ~~Office of Legislative Research and General Counsel~~ Section 2. Section 58-37f-402 is

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amended to read:

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

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

(a) the purpose of the database;

(b) how to access and use the database;

(c) the law relating to:

(i) the use of the database; and

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

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

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

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

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

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

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

(ii) provide the correct answers;

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

and

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

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

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

(5) The division shall impose a fee, in accordance with Section 63J-1-504, on an

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individual who takes the test described in this section, to pay the costs incurred by the division

to:

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

and

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

(6) The division may make rules, in accordance with Title 63G, Chapter 3, Utah

Administrative Rulemaking Act, to:

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

and

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

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

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