

**Representative Bradley M. Daw** 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

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**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;
- ▶ 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:

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



26 58-37f-402, as enacted by Laws of Utah 2010, Chapter 287



27  
28 *Be it enacted by the Legislature of the state of Utah:*

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

30 **58-37-6.5. Continuing professional education for controlled substance**  
31 **prescribers.**

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

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

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

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

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

42 (B) the Utah Medical Association; or

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

44 (iii) be approved by:

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

46 (B) the division.

47 (2) The division, by rule and in consultation with the applicable practitioner licensing  
48 boards and the recognized state continuing medical education accrediting body, shall establish  
49 educational content for [~~any~~] controlled substance prescribing [~~class~~] classes under this section.

50 The content shall include materials such as:

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

52 (b) specific pharmacology;

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

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

- 57 (3) A controlled substance prescribing class required under this section:  
58 (a) may be held:  
59 (i) in conjunction with other continuing professional education programs; and  
60 (ii) online;  
61 (b) does not increase the total number of state-required continuing professional  
62 education hours required for prescriber licensing; and  
63 (c) shall be reported by an individual as part of the continuing professional education  
64 required for licensing.

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

68 [~~4~~] (5) The division may establish rules, in accordance with Title 63G, Chapter 3,  
69 Utah Administrative Rulemaking Act, to implement this section.

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

71 **58-37f-402. Online tutorial and test relating to the database -- Fees -- Rulemaking**  
72 **authority -- Continuing professional education credit.**

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

- 75 (a) the purpose of the database;  
76 (b) how to access and use the database;  
77 (c) the law relating to:  
78 (i) the use of the database; and  
79 (ii) the information submitted to, and obtained from, the database; and  
80 (d) basic knowledge that is important for all people who prescribe controlled  
81 substances to know in order to help ensure the health and safety of an individual to whom a  
82 controlled substance is prescribed.

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

- 84 (a) an individual shall answer all of the questions correctly in order to pass the test;  
85 (b) an individual shall be permitted to immediately retake the portion of the test that  
86 the individual answers incorrectly as many times as necessary for the individual to pass the test;  
87 and

- 88 (c) after an individual takes the test, the test software shall:
- 89 (i) immediately inform the individual of the number of questions that were answered
- 90 incorrectly;
- 91 (ii) provide the correct answers;
- 92 (iii) replay the portion of the tutorial that relates to the incorrectly answered questions;
- 93 and
- 94 (iv) ask the individual the incorrectly answered questions again.
- 95 (3) The division shall design the tutorial and test so that it is possible to take the
- 96 tutorial and complete the test in 20 minutes or less, if the individual answers all of the
- 97 questions correctly on the first attempt.
- 98 (4) The division shall ensure that the tutorial and test described in this section are fully
- 99 functional and available for use online on or before November 1, 2010.
- 100 (5) The division shall impose a fee, in accordance with Section 63J-1-504, on an
- 101 individual who takes the test described in this section, to pay the costs incurred by the division
- 102 to:
- 103 (a) develop, implement, and administer the tutorial and test described in this section;
- 104 and
- 105 (b) fulfill the other duties imposed on the division under this part.
- 106 (6) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
- 107 Administrative Rulemaking Act, to:
- 108 (a) develop, implement, and administer the tutorial and test described in this section;
- 109 and
- 110 (b) fulfill the other duties imposed on the division under this part.
- 111 (7) The Department of Health shall assist the division in developing the portion of the
- 112 test described in Subsection (1)(d).
- 113 (8) Completing the online tutorial and passing the online test described in this section
- 114 shall count as 1/2 hour of continuing professional education under Subsection 58-37-6.5(1)(a).