

1 **CONTROLLED SUBSTANCES PRESCRIBER TRAINING**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Patricia W. Jones**

5 House Sponsor: Brad R. Wilson

6

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Utah Controlled Substances Act and the Utah Health Code.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ prohibits the Department of Health from requiring a health care provider to
13 complete more than 1/2 hour of education per licensing period on the appropriate
14 management of chronic pain;
- 15 ▶ provides that the education counts toward continuing professional education on
16 controlled substances prescribing;
- 17 ▶ amends the effective date for controlled substances prescriber education
18 requirements;
- 19 ▶ exempts optometrists and naturopathic physicians from controlled substances
20 prescriber education requirements; and
- 21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 26-1-36, as last amended by Laws of Utah 2010, Chapter 287

29 58-37-6.5, as enacted by Laws of Utah 2011, Chapter 71



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

32 Section 1. Section 26-1-36 is amended to read:

33 **26-1-36. Duty to establish program to reduce deaths and other harm from**
34 **prescription opiates used for chronic noncancer pain.**

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

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

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

44 ~~[(b)]~~ (ii) study the risks, warning signs, and solutions to the risks associated with
45 prescription opiate medications for chronic pain, including risks and prevention of misuse and
46 diversion of those medications;

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

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

51 ~~[(i)]~~ (A) the purpose of the Controlled Substance Database established in Section
52 58-37f-201; and

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

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

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

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

65 (a) recommendations on:

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

68 (A) misuse of opiates;

69 (B) inappropriate prescribing; and

70 (C) adverse outcomes of prescription opiate medications;

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

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

73 (A) scientifically based; and

74 (B) peer reviewed; and

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

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

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

82 Section 2. Section **58-37-6.5** is amended to read:

83 **58-37-6.5. Continuing professional education for controlled substance**
84 **prescribers.**

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

90 (ii) Subsection (1)(a)(i) does not apply to:
91 (A) an optometrist licensed under Title 58, Chapter 16a, Utah Optometry Practice Act;
92 (B) a veterinarian licensed under Title 58, Chapter 28, Veterinary Practice Act; or
93 (C) a naturopathic physician licensed under Title 58, Chapter 71, Naturopathic

94 Physician Practice Act.

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

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

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

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

101 (B) the Utah Medical Association; or

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

103 (iii) be approved by:

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

105 (B) the division.

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

109 The content shall include materials such as:

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

111 (b) specific pharmacology;

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

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

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

117 (a) may be held:

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

119 (ii) online;

120 (b) does not increase the total number of state-required continuing professional

121 education hours required for prescriber licensing; and

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

124 (4) As provided in Subsection 26-1-36(2)(b)(ii), continuing professional education on
125 chronic pain management under Subsection 26-1-36(2)(a)(iii) counts toward the continuing
126 professional education hours required by this section.

127 [~~4~~] (5) The division may establish rules, in accordance with Title 63G, Chapter 3,
128 Utah Administrative Rulemaking Act, to implement this section.

Legislative Review Note
as of 1-23-12 11:35 AM

Office of Legislative Research and General Counsel