

Senator Patricia W. Jones proposes the following substitute bill:

**CONTINUING EDUCATION FOR PRESCRIPTION DRUGS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Patricia W. Jones**

House Sponsor: Bradley G. Last

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**LONG TITLE**

**General Description:**

This bill establishes the continuing education requirements for controlled substance prescribers under the Utah Controlled Substances Act.

**Highlighted Provisions:**

This bill:

- defines terms;
- requires certain controlled substance prescribers to complete at least four hours of continuing education as a requisite for license renewal;
- requires that at least 3.5 hours of the required continuing education hours be completed in controlled substance prescribing classes;
- establishes criteria for controlled substance prescribing classes recognized by the Division of Occupational and Professional Licensing (DOPL);
- directs DOPL to consult with other applicable departments and associations when determining whether classes for controlled substance prescribers with a specific license type meet established criteria;
- grants rulemaking authority to DOPL; and
- makes technical changes.

**Money Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **58-37f-402**, as last amended by Laws of Utah 2012, Chapter 370

32 REPEALS AND REENACTS:

33 **58-37-6.5**, as last amended by Laws of Utah 2012, Chapter 370



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

36 Section 1. Section **58-37-6.5** is repealed and reenacted to read:

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

38 (1) For the purposes of this section:

39 (a) "Controlled substance prescriber" means an individual, other than a veterinarian,

40 who:

41 (i) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah

42 Controlled Substances Act; and

43 (ii) possesses the authority, in accordance with the individual's scope of practice, to

44 prescribe schedule II controlled substances and schedule III controlled substances that are

45 applicable to opioid narcotics, hypnotic depressants, or psychostimulants.

46 (b) "FDA" means the United States Food and Drug Administration.

47 (c) "M.D." means a physician and surgeon licensed under Title 58, Chapter 67, Utah

48 Medical Practice Act.

49 (d) "D.O." means an osteopathic physician and surgeon licensed under Title 58,

50 Chapter 68, Utah Osteopathic Medical Practice Act.

51 (2) Beginning with the licensing period that begins after January 1, 2014, as a

52 condition precedent for license renewal, each controlled substance prescriber shall complete at

53 least four continuing education hours per licensing period that satisfy the requirements of

54 Subsections (3) and (4).

55 (3) As provided in Subsection 58-37f-402(8), the online tutorial and passing the online

56 test described in Section 58-37f-402 shall count as 1/2 hour of continuing professional

57 education under Subsection (2) per licensing period.

58 (4) A controlled substance prescriber shall complete at least 3.5 hours of continuing  
59 education hours in one or more controlled substance prescribing classes that satisfy the  
60 requirements of Subsections (5) and (7).

61 (5) A controlled substance prescribing class shall:

62 (a) satisfy the division's requirements for the continuing education required for the  
63 renewal of the controlled substance prescriber's respective license type;

64 (b) be delivered by an accredited or approved continuing education provider  
65 recognized by the division as offering continuing education appropriate for the controlled  
66 substance prescriber's respective license type; and

67 (c) include a postcourse knowledge assessment.

68 (6) An M.D. or D.O. completing continuing professional education hours under  
69 Subsection (4) shall complete those hours in classes that qualify for the American Medical  
70 Association Physician's Recognition Award Category 1 Credit.

71 (7) The 3.5 hours of the controlled substance prescribing classes under Subsection (4)  
72 shall include educational content covering the following:

73 (a) the scope of the controlled substance abuse problem in Utah and the nation;

74 (b) all elements of the FDA Blueprint for Prescriber Education under the FDA's  
75 Extended-Release and Long-Acting Opioid Analgesics Risk Evaluation and Mitigation  
76 Strategy, as published July 9, 2012, or as it may be subsequently revised;

77 (c) the national and Utah-specific resources available to prescribers to assist in  
78 appropriate controlled substance and opioid prescribing;

79 (d) patient record documentation for controlled substance and opioid prescribing; and

80 (e) office policies, procedures, and implementation.

81 (8) (a) The division, in consultation with the Utah Medical Association Foundation,  
82 shall determine whether a particular controlled substance prescribing class satisfies the  
83 educational content requirements of Subsections (5) and (7) for an M.D. or D.O.

84 (b) The division, in consultation with the applicable professional licensing boards,  
85 shall determine whether a particular controlled substance prescribing class satisfies the  
86 educational content requirements of Subsections (5) and (7) for a controlled substance  
87 prescriber other than an M.D. or D.O.

88 (c) The division may by rule establish a committee that may audit compliance with the  
89 Utah Risk Evaluation and Mitigation Strategy (REMS) Educational Programming Project  
90 grant, that satisfies the educational content requirements of Subsections (5) and (7) for a  
91 controlled substance prescriber.

92 (9) A controlled substance prescribing class required under this section:

93 (a) may be held:

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

95 (ii) online; and

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

98 (10) The division may establish rules, in accordance with Title 63G, Chapter 3, Utah  
99 Administrative Rulemaking Act, to implement this section.

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

101 **58-37f-402. Online tutorial and test relating to the database -- Fees -- Rulemaking**  
102 **authority -- Continuing professional education credit.**

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

105 (a) the purpose of the database;

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

107 (c) the law relating to:

108 (i) the use of the database; and

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

110 (d) basic knowledge that is important for all people who prescribe controlled

111 substances to know in order to help ensure the health and safety of an individual to whom a  
112 controlled substance is prescribed.

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

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

115 (b) an individual shall be permitted to immediately retake the portion of the test that

116 the individual answers incorrectly as many times as necessary for the individual to pass the test;

117 and

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

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

121 (ii) provide the correct answers;

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

123 and

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

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

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

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

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

134 and

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

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

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

139 and

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

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

143 (8) Completing the online tutorial and passing the online test described in this section  
144 shall count as 1/2 hour of continuing professional education under Subsection  
145 58-37-6.5[~~(1)(a)~~](2).