

## SB0214S01 compared with SB0214

~~text~~ shows text that was in SB0214 but was deleted in SB0214S01.

text shows text that was not in SB0214 but was inserted into SB0214S01.

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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: \_\_\_\_\_

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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);

## SB0214S01 compared with SB0214

- ▶ 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:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

REPEALS AND REENACTS:

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

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

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 Section **58-37-6.5** is repealed and reenacted to read:

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

(1) For the purposes of this section:

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

(i) is licensed to prescribe a controlled substance under Title 58, Chapter 37, Utah Controlled Substances Act; and

(ii) possesses the authority, in accordance with the individual's scope of practice, to prescribe ~~{Schedule}~~ schedule II controlled substances ~~{, Schedule}~~ and schedule III controlled substances ~~{,}~~ that are applicable to opioid narcotics, hypnotic depressants, or psychostimulants.

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

(c) "~~{Physician}~~ M.D." means ~~{~~

~~{~~ (i) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical Practice Act ~~{; or}~~.

## SB0214S01 compared with SB0214

~~(iii)d~~ "D.O." means an osteopathic physician and surgeon licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

(2) Beginning with the licensing period that begins after January 1, 2014, ~~for the respective controlled substance prescriber and~~ as a condition precedent for license renewal, each controlled substance prescriber shall complete at least four continuing education hours per licensing period that satisfy the requirements of Subsections (3) and (4).

(3) As provided in Subsection 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 under Subsection (2) per licensing period.

(4) A controlled substance prescriber shall ~~report to the division~~ **complete** at least 3.5 hours of continuing education hours in one or more controlled substance prescribing classes that satisfy the requirements of ~~Subsection~~ **Subsections (5) and (7).**

(5) A controlled substance prescribing class shall:

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

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

(c) include a postcourse knowledge assessment~~; and~~

~~———— (d) be subject to an independent content audit and in compliance with applicable accrediting standards.~~

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

(7) ~~At least one~~ **The 3.5 hours** of the controlled substance prescribing classes under Subsection (4) shall include educational content covering ~~each of~~ the following:

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

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

(c) the national and Utah-specific resources available to prescribers to assist in

## SB0214S01 compared with SB0214

appropriate controlled substance and opioid prescribing:

(d) ~~{medical}~~patient record documentation for controlled substance and opioid prescribing; and

(e) office policies, procedures, and implementation.

(8) (a) The division, in consultation with the Utah Medical Association Foundation, shall determine whether a particular controlled substance prescribing class satisfies the educational content requirements of Subsections (5) and (7) for ~~fa physician~~.

~~— (b) A committee established by the division by rule that complies with the Utah REMS Educational Programming Project grant; an M.D. or D.O.~~

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

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

(9) 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; and

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

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

Section 2. Section **58-37f-402** is 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;

## **SB0214S01 compared with SB0214**

(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 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

## SB0214S01 compared with SB0214

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)](2).

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**Legislative Review Note**

~~as of 2-18-13 10:51 AM~~

~~Office of Legislative Research and General Counsel~~