

1 SB186  
2 209356-2  
3 By Senators Beasley, Jones, Reed, Figures and Coleman-Madison  
4 RFD: Healthcare  
5 First Read: 04-FEB-21

1 SB186

2  
3  
4 ENROLLED, An Act,

5 Relating to the controlled substances database; to  
6 amend Section 20-2-214, Code of Alabama 1975, to authorize the  
7 Alabama Board of Nursing to access the controlled substances  
8 database for inquiries related to investigations or  
9 disciplinary actions concerning nurses who prescribe  
10 controlled substances or who are prescribed controlled  
11 substances; and to make nonsubstantive, technical revisions to  
12 update the existing code language to current style.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 20-2-214, Code of Alabama 1975,  
15 is amended to read as follows:

16 "§20-2-214.

17 "(a) The following ~~persons~~ individuals or entities  
18 shall be permitted access to the information in the controlled  
19 substances database, subject to the limitations indicated  
20 below:

21 "(1) Authorized representatives of the certifying  
22 boards; provided, however, that access shall be limited to  
23 information concerning the licensees of the certifying board,  
24 however, authorized representatives from the Board of Medical  
25 Examiners may access the database to inquire about certified

1 registered nurse practitioners (CRNPs), or certified nurse  
2 midwives (CNMs) that hold a Qualified Alabama Controlled  
3 Substances Registration Certificate (QACSC).

4 "(2) A licensed practitioner approved by the  
5 department who has authority to prescribe, dispense, or  
6 administer controlled substances. The licensed practitioner's  
7 access shall be limited to information concerning himself or  
8 herself, registrants who possess a Qualified Alabama  
9 Controlled Substances Registration Certificate over whom the  
10 practitioner exercises physician supervision or with whom they  
11 have a joint practice agreement, a certified registered nurse  
12 practitioner and a certified nurse midwife with a Qualified  
13 Alabama Controlled Substances Registration Certificate over  
14 whom the practitioner exercises professional oversight and  
15 direction pursuant to an approved collaborative practice  
16 agreement, a current patient of the practitioner, and  
17 individuals seeking treatment from the practitioner.  
18 Practitioners shall have no requirement or obligation under  
19 this article to access or check the information in the  
20 controlled substances database prior to prescribing,  
21 dispensing, or administering medications or as part of their  
22 professional practice. However, the applicable licensing  
23 boards, ~~in their discretion,~~ may impose such a requirement or  
24 obligation by ~~regulations~~ rule.

1           "(3) ~~A~~ Up to two employees designated by a licensed  
2 physician approved by the department who has authority to  
3 prescribe, dispense, or administer controlled substances, ~~may~~  
4 ~~designate up to two employees~~ who may access the database on  
5 the physician's behalf.

6           "(4) A licensed certified registered nurse  
7 practitioner or a licensed certified nurse midwife approved by  
8 the department who is authorized to prescribe, administer, or  
9 dispense pursuant to a Qualified Alabama Controlled Substances  
10 Registration Certificate; provided, however, that access shall  
11 be limited to information concerning a current or prospective  
12 patient of the certified registered nurse practitioner or  
13 certified nurse midwife.

14           "(5) A licensed assistant to physician approved by  
15 the department who is authorized to prescribe, administer, or  
16 dispense pursuant to a Qualified Alabama Controlled Substances  
17 Registration Certificate; provided, however, that access shall  
18 be limited to information concerning a current patient of the  
19 assistant to the physician or an individual seeking treatment  
20 from the assistant to physician.

21           "(6) A licensed pharmacist approved by the  
22 department~~7~~; provided, however, that access is limited to  
23 information related to the patient or prescribing practitioner  
24 designated on a controlled substance prescription that a  
25 pharmacist has been asked to fill. Pharmacists shall have no

1 requirement or obligation to access or check the information  
2 in the controlled substances database prior to dispensing or  
3 administering medications or as part of their professional  
4 practices.

5 "(7) State and local law enforcement authorities as  
6 authorized under Section 20-2-91, and federal law enforcement  
7 authorities authorized to access prescription information upon  
8 application to the department accompanied by a declaration  
9 that probable cause exists for the use of the requested  
10 information.

11 "(8) Employees of the department and consultants  
12 engaged by the department to operate the controlled substances  
13 database; provided, however, that access shall be limited to  
14 operating and administering the database, conducting  
15 departmental research when approved by the Information Release  
16 Review Committee, and implementing a research request  
17 authorized under subsection (b).

18 "(9) The prescription drug monitoring program of any  
19 of the other states or territories of the United States, if  
20 recognized by the Alliance for Prescription Drug Monitoring  
21 Programs under procedures developed, certified, or approved by  
22 the United States Department of Justice or the Integrated  
23 Justice Information Systems Institute or successor entity  
24 subject to or consistent with limitations for access

1 prescribed by this chapter for the Alabama Prescription Drug  
2 Monitoring Program.

3 "(10) Authorized representatives of the Alabama  
4 Medicaid Agency; provided, however, that access shall be  
5 limited to inquiries concerning possible misuse or abuse of  
6 controlled substances by Medicaid recipients.

7 "(11) Upon good cause shown to the State Health  
8 Officer or his or her designee, authorized representatives of  
9 the Board of Nursing may receive information concerning  
10 licensees of the Board of Nursing; provided, however, that  
11 requests shall be limited to information concerning a licensee  
12 of the Board of Nursing who is the subject of an investigation  
13 or disciplinary activity. Any certifying board, state or  
14 federal law enforcement agency, or other individual or entity  
15 authorized to access the information from the controlled  
16 substances database pursuant to this article may share  
17 information from the controlled substances database with the  
18 Board of Nursing, provided that the information concerns a  
19 licensee of the Board of Nursing who is the subject of an  
20 investigation or disciplinary activity.

21 "(b) Subject to the approval of the Information  
22 Release Review Committee, the department may release or  
23 publish de-identified aggregate statewide and regional  
24 information for statistical, research, or educational  
25 purposes.

1           "(1) Prior to being released or published, all  
2 information that identifies, or could reasonably be used to  
3 identify, a patient, a prescriber, a dispenser, or any other  
4 person who is the subject of the information, shall be  
5 removed, and at a minimum, such de-identification of the  
6 information shall comply with 45 C.F.R. § 164.514(b)(2), as  
7 amended.

8           "(2) Release of information shall be made pursuant  
9 to a written data use agreement between the requesting  
10 individual or entity and the department."

11           Section 2. This act shall become effective on the  
12 first day of the third month following its passage and  
13 approval by the Governor, or its otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

---

President and Presiding Officer of the Senate

---

Speaker of the House of Representatives

SB186  
Senate 16-MAR-21  
I hereby certify that the within Act originated in and passed  
the Senate.

Patrick Harris,  
Secretary.

---

House of Representatives  
Passed: 27-APR-21

---

By: Senator Beasley