## HB69 ENROLLED



- 1 HB69
- 2 IB1FZZ6-2
- 3 By Representative McCampbell
- 4 RFD: Health
- 5 First Read: 06-Feb-24
- 6 PFD: 30-Jan-24



1 Enrolled, An Act,

- Relating to controlled substances; to amend Section
- 4 20-2-214, Code of Alabama 1975, to allow the Controlled
- 5 Substances Prescription Database to be accessed by up to two
- 6 employees of a licensed dentist who may access the database on
- 7 behalf of the dentist who is approved by the Alabama
- 8 Department of Public Health and who has authority to
- 9 prescribe, dispense, or administer controlled substances.
- 10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
- 11 Section 1. Section 20-2-214, Code of Alabama 1975, is
- 12 amended to read as follows:
- 13 "\$20-2-214
- 14 (a) The following individuals or entities shall be
- permitted access to the information in the controlled
- 16 substances database, subject to the limitations indicated
- 17 below:
- 18 (1) Authorized representatives of the certifying
- 19 boards; provided, however, that access shall be limited to
- 20 information concerning the licensees of the certifying board,
- 21 however, authorized representatives from the Board of Medical
- 22 Examiners may access the database to inquire about certified
- 23 registered nurse practitioners (CRNPs), or certified nurse
- 24 midwives (CNMs) that hold a Qualified Alabama Controlled
- 25 Substances Registration Certificate (QACSC).
- 26 (2) A licensed practitioner approved by the department
- 27 who has authority to prescribe, dispense, or administer
- 28 controlled substances. The licensed practitioner's access



29	shall be limited to information concerning himself or herself,
30	registrants who possess a Qualified Alabama Controlled
31	Substances Registration Certificate over whom the practitioner
32	exercises physician supervision or with whom he or she has a
33	joint practice agreement, a certified registered nurse
34	practitioner and a certified nurse midwife with a Qualified
35	Alabama Controlled Substances Registration Certificate over
36	whom the practitioner exercises professional oversight and
37	direction pursuant to an approved collaborative practice
38	agreement, a current patient of the practitioner, and
39	individuals seeking treatment from the practitioner.
40	Practitioners shall have no requirement or obligation under
41	this article to access or check the information in the
42	controlled substances database prior to prescribing,
43	dispensing, or administering medications or as part of their
44	professional practice. However, the applicable licensing
45	boards may impose such a requirement or obligation by rule.
46	(3) Up to two employees designated by a licensed
47	physician approved by the department who has authority to
48	prescribe, dispense, or administer controlled substances, who
49	may access the database on the physician's behalf.
50	(4) Up to two employees designated by a licensed
51	dentist approved by the department who has authority to
52	prescribe, dispense, or administer controlled substances, who
53	may access the database on the dentist's behalf.
54	(4)(5) A licensed certified registered nurse
55	practitioner or a licensed certified nurse midwife approved by

the department who is authorized to prescribe, administer, or



dispense pursuant to a Qualified Alabama Controlled Substances
Registration Certificate; provided, however, that access shall
be limited to information concerning a current or prospective
patient of the certified registered nurse practitioner or
certified nurse midwife.

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

examiner or the examiner's designee who is employed by the Alabama Department of Forensic Sciences; provided, however, that access shall be limited to information concerning an investigation of the cause and manner of death of an individual. No coroner or deputy coroner shall be granted access to information pursuant to this subdivision unless he or she has received and completed training provided by the department and successfully passed a minimum standards exam administered by the department.

(7) (8) A licensed pharmacist approved by the department; provided, however, that access is limited to information related to the patient or prescribing practitioner designated on a controlled substance prescription that a pharmacist has been asked to fill. Pharmacists shall have no requirement or obligation to access or check the information



in the controlled substances database prior to dispensing or administering medications or as part of their professional practices.

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

(9) (10) Employees of the department and consultants engaged by the department to operate the controlled substances database; provided, however, that access shall be limited to operating and administering the database, conducting departmental research when approved by the Information Release Review Committee, and implementing a research request authorized under subsection (b).

(10) (11) The prescription drug monitoring program of any of the other states or territories of the United States, if recognized by the Alliance for Prescription Drug Monitoring Programs under procedures developed, certified, or approved by the United States Department of Justice or the Integrated Justice Information Systems Institute or successor entity subject to or consistent with limitations for access prescribed by this chapter for the Alabama Prescription Drug Monitoring Program.

(11) (12) Authorized representatives of the Alabama Medicaid Agency; provided, however, that access shall be limited to inquiries concerning possible misuse or abuse of



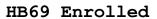
113 controlled substances by Medicaid recipients.

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- 114 (12) (13) Upon good cause shown to the State Health 115 Officer or his or her designee, authorized representatives of 116 the Board of Nursing may receive information concerning 117 licensees of the Board of Nursing; provided, however, that 118 requests shall be limited to information concerning a licensee 119 of the Board of Nursing who is the subject of an investigation 120 or disciplinary activity. Any certifying board, state or 121 federal law enforcement agency, or other individual or entity authorized to access the information from the controlled 122 123 substances database pursuant to this article may share information from the controlled substances database with the 124 125 Board of Nursing, provided that the information concerns a 126 licensee of the Board of Nursing who is the subject of an 127 investigation or disciplinary activity.
  - (b) Subject to the approval of the Information Release
    Review Committee, the department may release or publish
    de-identified aggregate statewide and regional information for
    statistical, research, or educational purposes.
- information that identifies, or could reasonably be used to identify, a patient, a prescriber, a dispenser, or any other person who is the subject of the information, shall be removed, and at a minimum, such de-identification of the information shall comply with 45 C.F.R. § 164.514(b)(2), as amended.
- 139 (2) Release of information shall be made pursuant to a 140 written data use agreement between the requesting individual





141 or entity and the department."

Section 2. This act shall become effective on October

143 1, 2024.



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151	_	Speaker of the House of Representatives	-
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156	_	President and Presiding Officer of the Senate	-
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159		House of Representatives	
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161	I	hereby certify that the within Act originated	in and
162	was passe	ed by the House 22-Feb-24.	
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164		John Treadwell	
165		Clerk	
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171	Senate	09-Apr-24	Passed
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