

**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



## HB69 Enrolled

1 Enrolled, An Act,

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3 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  
15 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



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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  
56 the department who is authorized to prescribe, administer, or



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

62 ~~(5)~~ (6) A licensed assistant to physician approved by  
63 the department who is authorized to prescribe, administer, or  
64 dispense pursuant to a Qualified Alabama Controlled Substances  
65 Registration Certificate; provided, however, that access shall  
66 be limited to information concerning a current patient of the  
67 assistant to the physician or an individual seeking treatment  
68 from the assistant to physician.

69 ~~(6)~~ (7) A coroner, deputy coroner, or a licensed medical  
70 examiner or the examiner's designee who is employed by the  
71 Alabama Department of Forensic Sciences; provided, however,  
72 that access shall be limited to information concerning an  
73 investigation of the cause and manner of death of an  
74 individual. No coroner or deputy coroner shall be granted  
75 access to information pursuant to this subdivision unless he  
76 or she has received and completed training provided by the  
77 department and successfully passed a minimum standards exam  
78 administered by the department.

79 ~~(7)~~ (8) A licensed pharmacist approved by the  
80 department; provided, however, that access is limited to  
81 information related to the patient or prescribing practitioner  
82 designated on a controlled substance prescription that a  
83 pharmacist has been asked to fill. Pharmacists shall have no  
84 requirement or obligation to access or check the information



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

88 ~~(8)~~ (9) State and local law enforcement authorities as  
89 authorized under Section 20-2-91, and federal law enforcement  
90 authorities authorized to access prescription information upon  
91 application to the department accompanied by a declaration  
92 that probable cause exists for the use of the requested  
93 information.

94 ~~(9)~~ (10) Employees of the department and consultants  
95 engaged by the department to operate the controlled substances  
96 database; provided, however, that access shall be limited to  
97 operating and administering the database, conducting  
98 departmental research when approved by the Information Release  
99 Review Committee, and implementing a research request  
100 authorized under subsection (b).

101 ~~(10)~~ (11) The prescription drug monitoring program of  
102 any of the other states or territories of the United States,  
103 if recognized by the Alliance for Prescription Drug Monitoring  
104 Programs under procedures developed, certified, or approved by  
105 the United States Department of Justice or the Integrated  
106 Justice Information Systems Institute or successor entity  
107 subject to or consistent with limitations for access  
108 prescribed by this chapter for the Alabama Prescription Drug  
109 Monitoring Program.

110 ~~(11)~~ (12) Authorized representatives of the Alabama  
111 Medicaid Agency; provided, however, that access shall be  
112 limited to inquiries concerning possible misuse or abuse of



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113 controlled substances by Medicaid recipients.

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  
122 authorized to access the information from the controlled  
123 substances database pursuant to this article may share  
124 information from the controlled substances database with the  
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.

128 (b) Subject to the approval of the Information Release  
129 Review Committee, the department may release or publish  
130 de-identified aggregate statewide and regional information for  
131 statistical, research, or educational purposes.

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

139 (2) Release of information shall be made pursuant to a  
140 written data use agreement between the requesting individual

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141 or entity and the department."

142 Section 2. This act shall become effective on October

143 1, 2024.



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 22-Feb-24.

John Treadwell  
Clerk

Senate

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**09-Apr-24**

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Passed