

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 268(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/9/18

Referred: Rules

Sponsor(s): REPRESENTATIVES GARA, Tuck

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the prescription of opioids; relating to the practice of dentistry;**
2 **relating to the practice of medicine; relating to the practice of podiatry; relating to the**
3 **practice of osteopathy; relating to the practice of nursing; relating to the practice of**
4 **optometry; and providing for an effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 OPIOID ADDICTION: LEGISLATIVE FINDINGS. The legislature finds that

9 (1) the state has a considerable moral, public health, and financial interest in
10 reducing opioid and heroin addiction in the state;

11 (2) it is medically documented that opioid prescription drugs are addictive and
12 that opioid addiction is harmful and expensive to address;

13 (3) as of 2017, accepted evidence shows that a significant percentage of
14 people who become addicted to heroin were initially addicted to opioid prescription drugs;

1 (4) opioid prescription drug and heroin addiction interferes with an addict's
2 ability to work and provide for a stable and healthy family;

3 (5) the state's opioid epidemic damages the health of families and children and
4 affects the chances that a child will receive a healthy upbringing;

5 (6) the opioid epidemic increases crime in the state, and the presence of heroin
6 dealers in the state poses a public safety threat;

7 (7) the opioid epidemic costs the state and other entities excessive amounts of
8 money, which is especially problematic in lean budget times;

9 (8) policies that reduce the number of people who become addicted to opioids
10 and heroin will better serve citizens of the state and foster healthier families;

11 (9) patients are not always advised of the addictive effects of opioid
12 prescription drug use or that opioid prescription drug use may lead to opioid prescription drug
13 and heroin addiction; and

14 (10) requiring medical providers to inform patients of the risks associated with
15 opioid prescription drug use can help to reduce opioid prescription drug and heroin addictions
16 in the state.

17 * **Sec. 2.** AS 08.36.070(a) is amended to read:

18 (a) The board shall

19 (1) provide for the examination of applicants and the credentialing,
20 registration, and licensure of those applicants it finds qualified;

21 (2) maintain a registry of licensed dentists, licensed dental hygienists,
22 and registered dental assistants who are in good standing;

23 (3) affiliate with the American Association of Dental Boards and pay
24 annual dues to the association;

25 (4) hold hearings and order the disciplinary sanction of a person who
26 violates this chapter, AS 08.32, or a regulation of the board;

27 (5) supply forms for applications, licenses, permits, certificates,
28 registration documents, and other papers and records;

29 (6) enforce the provisions of this chapter and AS 08.32 and adopt or
30 amend the regulations necessary to make the provisions of this chapter and AS 08.32
31 effective;

1 (7) adopt regulations ensuring that renewal of a license, registration, or
 2 certificate under this chapter or a license, certificate, or endorsement under AS 08.32
 3 is contingent upon proof of continued professional competence;

4 (8) at least annually, cause to be published on the Internet and in a
 5 newspaper of general circulation in each major city in the state a summary of
 6 disciplinary actions the board has taken during the preceding calendar year;

7 (9) issue permits or certificates to licensed dentists, licensed dental
 8 hygienists, and dental assistants who meet standards determined by the board for
 9 specific procedures that require specific education and training;

10 (10) require that a licensed dentist who has a federal Drug
 11 Enforcement Administration registration number register with the controlled substance
 12 prescription database under AS 17.30.200(o);

13 **(11) adopt regulations requiring a licensee to advise patients, using**
 14 **oral and written information, before prescribing an opioid, of the potential**
 15 **dangers of opioid addiction, and alternatives to the opioid prescription the**
 16 **provider considers reasonable; the board may determine which classes of**
 17 **patients may be reasonably exempted from the information requirement and**
 18 **may allow an exemption from the requirement for violations the board considers**
 19 **to be unintentional, periodic accidental violations, and for good cause, including**
 20 **when a licensee needs to attend to the perceived immediate health care of another**
 21 **patient.**

22 * **Sec. 3.** AS 08.64.101 is amended to read:

23 **Sec. 08.64.101. Duties.** The board shall

24 (1) examine and issue licenses to applicants;

25 (2) develop written guidelines to ensure that licensing requirements are
 26 not unreasonably burdensome and the issuance of licenses is not unreasonably
 27 withheld or delayed;

28 (3) after a hearing, impose disciplinary sanctions on persons who
 29 violate this chapter or the regulations or orders of the board;

30 (4) adopt regulations ensuring that renewal of licenses is contingent on
 31 proof of continued competency on the part of the licensee;

1 (5) under regulations adopted by the board, contract with private
 2 professional organizations to establish an impaired medical professionals program to
 3 identify, confront, evaluate, and treat persons licensed under this chapter who abuse
 4 alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;

5 (6) adopt regulations that establish guidelines for a physician who is
 6 rendering a diagnosis, providing treatment, or prescribing, dispensing, or
 7 administering a prescription drug to a person without conducting a physical
 8 examination under AS 08.64.364; the guidelines must include a nationally recognized
 9 model policy for standards of care of a patient who is at a different location than the
 10 physician;

11 (7) require that a licensee who has a federal Drug Enforcement
 12 Administration registration number register with the controlled substance prescription
 13 database under AS 17.30.200(o);

14 **(8) adopt regulations requiring a licensee to advise patients, using**
 15 **oral and written information, before prescribing an opioid, of the potential**
 16 **dangers of opioid addiction, and alternatives to the opioid prescription the**
 17 **provider considers reasonable; the board may determine which classes of**
 18 **patients may be reasonably exempted from the information requirement and**
 19 **may allow an exemption from the requirement for violations the board considers**
 20 **to be unintentional, periodic accidental violations, and for good cause, including**
 21 **when a licensee needs to attend to the perceived immediate health care of another**
 22 **patient.**

23 * Sec. 4. AS 08.68.100(a) is amended to read:

24 (a) The board shall

25 (1) adopt regulations necessary to implement this chapter, including
 26 regulations

27 (A) pertaining to practice as an advanced practice registered
 28 nurse, including requirements for an advanced practice registered nurse to
 29 practice as a certified registered nurse anesthetist, certified clinical nurse
 30 specialist, certified nurse practitioner, or certified nurse midwife;

31 (B) necessary to implement AS 08.68.331 - 08.68.336 relating

1 to certified nurse aides in order to protect the health, safety, and welfare of
2 clients served by nurse aides;

3 (C) pertaining to retired nurse status; and

4 (D) establishing criteria for approval of practical nurse
5 education programs that are not accredited by a national nursing accrediting
6 body;

7 (2) approve curricula and adopt standards for basic education programs
8 that prepare persons for licensing under AS 08.68.190;

9 (3) provide for surveys of the basic nursing education programs in the
10 state at the times it considers necessary;

11 (4) approve education programs that meet the requirements of this
12 chapter and of the board, and deny, revoke, or suspend approval of education
13 programs for failure to meet the requirements;

14 (5) examine, license, and renew the licenses of qualified applicants;

15 (6) prescribe requirements for competence before a former registered,
16 advanced practice registered, or licensed practical nurse may resume the practice of
17 nursing under this chapter;

18 (7) define by regulation the qualifications and duties of the executive
19 administrator and delegate authority to the executive administrator that is necessary to
20 conduct board business;

21 (8) develop reasonable and uniform standards for nursing practice;

22 (9) publish advisory opinions regarding whether nursing practice
23 procedures or policies comply with acceptable standards of nursing practice as defined
24 under this chapter;

25 (10) require applicants under this chapter to submit fingerprints and the
26 fees required by the Department of Public Safety under AS 12.62.160 for criminal
27 justice information and a national criminal history record check; the department shall
28 submit the fingerprints and fees to the Department of Public Safety for a report of
29 criminal justice information under AS 12.62 and a national criminal history record
30 check under AS 12.62.400;

31 (11) require that a licensed advanced nurse practitioner who has a

1 federal Drug Enforcement Administration registration number register with the
2 controlled substance prescription database under AS 17.30.200(o);

3 **(12) adopt regulations requiring a licensee to advise patients, using**
4 **oral and written information, before prescribing an opioid, of the potential**
5 **dangers of opioid addiction, and alternatives to the opioid prescription the**
6 **provider considers reasonable; the board may determine which classes of**
7 **patients may be exempted from the information requirement and may allow an**
8 **exemption from the requirement for violations the board considers to be**
9 **unintentional, periodic accidental violations, and for good cause, including when**
10 **a licensee needs to attend to the perceived immediate health care of another**
11 **patient.**

12 * **Sec. 5.** AS 08.72.050 is amended to read:

13 **Sec. 08.72.050. Regulations.** The board shall adopt regulations

- 14 (1) necessary for the proper performances of its duties;
15 (2) governing the applicants and applications for licensing;
16 (3) for the licensing of optometrists;
17 (4) necessary to govern the practice of optometry, including the
18 prescription and use of pharmaceutical agents for the treatment of eye disease;
19 (5) prescribing requirements that a person licensed under this chapter
20 must meet to demonstrate continued professional competency;
21 (6) developing uniform standards for the practice of optometry;

22 **(7) requiring a licensee to advise patients, using oral and written**
23 **information, before prescribing an opioid, of the potential dangers of opioid**
24 **addiction and alternatives to the opioid prescription the provider considers**
25 **reasonable; the board may determine which classes of patients may be exempted**
26 **from the information requirement and may allow an exemption from the**
27 **requirement for violations the board considers to be unintentional, periodic**
28 **accidental violations, and for good cause, including when a licensee needs to**
29 **attend to the perceived immediate health care of another patient.**

30 * **Sec. 6.** AS 47.37.040 is amended by adding a new paragraph to read:

- 31 (24) post on the department's Internet website, and provide access to a

1 printable version of, a written statement, which may include graphics, that provides
2 easily understandable information on opioids, including the potentially addictive and
3 harmful qualities of opioids.

4 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 TRANSITION: REGULATIONS. (a) The Department of Health and Social Services
7 may adopt regulations necessary to implement the changes made by sec. 6 of this Act. The
8 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
9 effective date of sec. 6 of this Act.

10 (b) The Board of Dental Examiners, the State Medical Board, the Board of Nursing,
11 and the Board of Examiners in Optometry may adopt regulations necessary to implement the
12 changes made by secs. 2 - 5 of this Act. The regulations take effect under AS 44.62
13 (Administrative Procedure Act), but not before the effective date of secs. 2 - 5 of this Act.

14 (c) The Board of Dental Examiners, the State Medical Board, the Board of Nursing,
15 and the Board of Examiners in Optometry shall implement regulations required by secs. 2 - 5
16 of this Act on or before October 1, 2019.

17 * **Sec. 8.** Sections 7(a) and (b) of this Act take effect immediately under AS 01.10.070(c).